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ORDINANCES

AND

CONSTITUTION

OF THE

STATE OF ALABAMA,

WITH THE

CONSTITUTION

OF THE

PROVISIONAL GOVERNMENT

AND OF THE

CONFEDERATE STATES OF AMERICA.

MONTGOMERY:
BARRETT, WIMBISH & CO., STEAM PRINTERS AND BINDERS.
1861.

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ORDINANCES.

THE STATE OF ALABAMA.

At a Convention of the People of the State of Alabama, begun and holden at Montgomery, on the seventh day of January, in the year of our Lord, one thousand eight hundred and sixty-one, and continued to the twelfth day of February in the same year.

AN ORDINANCE

To dissolve the Union between the State of Alabama and other States united under the compact styled "The Constitution of the United States of America."

WHEREAS, the election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice President of the United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security; therefore,

Be it declared and ordained by the people of the State of Alabama in Convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn from the Union known as "the United States of America," and

henceforth ceases to be one of said United States, and is, and of right ought to be, a Sovereign and Independent State.

SEC. 2. *Be it further declared and ordained by the people of the State of Alabama in Convention assembled*, That all the powers over the Territory of said State, and over the people thereof, heretofore delegated to the Government of the United States of America, be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.

And as it is the desire and purpose of the people of Alabama to meet the slaveholding States of the South, who may approve such purpose, in order to frame a provisional as well as permanent Government upon the principles of the Constitution of the United States,

Be it resolved by the people of Alabama in Convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, be and are hereby invited to meet the people of the State of Alabama, by their Delegates, in Convention, on the fourth day of February, A. D. 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, That the President of this Convention be, and he is hereby, instructed to transmit forthwith a copy of the foregoing Preamble, Ordinance, and Resolutions to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama, in Convention assembled, at Montgomery, on this, the eleventh day of January, A. D. 1861.

WILLIAM M. BROOKS, *President of the Convention.*

W. H. Davis,
John Cochran,
Alpheus Baker,
John W. L. Daniel,
Lewis M. Stone,
E. S. Dargan,
John Bragg,
H. G. Humphries,
George A. Ketchum,
O. R. Blue,
James Ferguson Dowdell,
Joseph Silver,
B. H. Baker, of Russell,
James W. Crawford,
Geo. D. Shortridge,
George Rives, sr.,
Franklin K. Beck,
Thomas Hill Watts,
Jno. McPherson,
Sam'l J. Bolling,
A. J. Curtis,
Jas. G. Hawkins,
Jeremiah A. Henderson,
A. P. Love,
Wm. H. Barnes,
W. L. Yancey,
A. A. Coleman,
J. D. Webb,
Thos. H. Herndon,
Gappa T. Yelverton,
S. E. Catterlin,
DeWitt C. Davis,
David P. Lewis,
Hasting E. Owens,
Thomas Tipton Smith,
James McKinnie,
Sam'l Henderson,
O. S. Jewett,
N. D. Johnson, Talladega,
J. M. McClanahan,
Wm. S. Earnest, Jefferson,
M. G. Slaughter, Talladega,
John M. Crook, Alexandria,
Dan'l T. Ryan, Calhoun Co.,
G. C. Whatley, " "
James S. Williamson,
John P. Ralls, M. D.,
W. E. Clarke, of Marengo,
James F. Bailey,
John R. Coffey,
Eli W. Starke,
Albert Crumpler,
Jere Clemens,
J. M. Foster,
George Taylor,
John B. Leonard,
A. R. Barclay,
Jas. G. Gilchrist,
James S. Clark, Lawrence,
John W. Inzer,
J. P. Timberlake, Jackson,
Lyman Gibbons, of Monroe,
Wm. S. Phillips, of Dallas,
Nich. Davis,
Jef'n Buford,
Julius C. B. Mitchell,
Richard J. Wood,
James L. Sheffield,
John Green, sr.,
R. Jemison, jr.,
William A. Hood,
Arthur Campbell Beard,

D. B. Creech, Henry Mitchell Gay,
Ralph O. Howard, George Forrester, Randolph.
John Tyler Morgan,

A. G. HORN,
Secretary of the Convention.

FRANK L. SMITH,
Assistant Secretary of the Convention.

No. 2.] AN ORDINANCE

Concerning Citizenship.

SEC. 1. *Be it declared and ordained by the people of Alabama in Convention assembled,* Every person who, at the date of the Ordinance of Secession, was residing in this State, and was then by birth or otherwise a citizen of the United States of America, shall continue a citizen of this State, unless a foreign residence shall be established by such person with the intention of expatriation.

SEC. 2. Every free white person who, after the date aforesaid, may be born within the territory of this State, or may be born outside of that territory, of a father or mother who then was a citizen of this State, shall be a citizen thereof.

SEC. 3. So, also, every person who, by birth or naturalization, was a citizen of the United States of America, or of any slaveholding State of North America, and who, within twelve months after the date of the Ordinance of Secession, shall come to reside in this State, with the intention of becoming a citizen thereof. But if such person was born in a foreign State or country, or in a non-slaveholding State, he or she shall take the oath of allegiance to this State below provided.

SEC. 4. So, also, every free white person who shall furnish satisfactory evidence of good character, and who

shall be engaged in the actual service, military or naval, of the State, and shall take an oath of his intention to continue in such service for at least six months, and who actually serves six months, unless sooner discharged honorably, and also the oath of allegiance below prescribed. In this case, the oaths shall be administered by some commissioned officer of the service in which the applicant for citizenship may be engaged, superior in rank to the applicant, but not of lower rank than Colonel, and a citizen of Alabama; and thereupon, certificate of the citizenship of the applicant shall be signed by the officer and delivered to the applicant, and must be recorded in some court of record in this State.

SEC. 5. In all cases the citizenship of a man shall extend to his wife, present or future, whenever she shall have a residence in the State, and shall extend also to each of his children, who, under the age of twenty-one years, may have a residence in the State: *Provided*, That in no case shall citizenship extend to any person who is not a free white person, except those provided for in the first section of this ordinance.

SEC. 6. That the oath of allegiance to this State shall be in the following form, viz: "I do swear (or affirm) that I will be faithful, and true allegiance bear to the State of Alabama, as long as I may continue a citizen thereof."

SEC. 7. The oath of abjuration shall be in the following form, viz: "I do swear (or affirm) that I do renounce and forever abjure all allegiance and fidelity to every prince, potentate, state, or sovereignty whatever, except the State of Alabama.

Adopted, January 26, 1861.

No. 3.] AN ORDINANCE

To change the Oath of Office in this State.

Be it declared and ordained, and it is hereby declared and ordained, by the people of the State of Alabama in Convention assembled, That the first section and sixth article of the Constitution of the State of Alabama be amended by striking out of the fifth line of said section the words "Constitution of the United States and the," after the word "the," and before the word "Constitution," where they occur.

And be it further ordained as aforesaid, That all officers in this State are hereby absolved from the oath to support the Constitution of the United States heretofore taken by them.

Adopted, January 15, 1861.

No. 4.] AN ORDINANCE

To repeal an Ordinance therein named.

Be it ordained by the people of the State of Alabama in Convention assembled, That an ordinance adopted by the people of this State, in Convention at Huntsville, on the second day of Augnst, one thousand eight hundred and nineteen, disclaiming forever all right to the waste or unappropriated lands lying within this State, is hereby repealed; but the navigable waters of this State shall remain forever highways, free to the citizens of this State, and of such States as may unite with the State of Alabama in a Southern Slaveholding Confederacy.

Adopted, January 28, 1861.

No. 5.] AN ORDINANCE

To provide for the Military Defense of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Governor be and he is hereby authorized and empowered, in the event of a declaration of war against the State of Alabama, or of an actual invasion of its territory, or of imminent danger of such invasion, to cause to be enlisted and to call into actual service a number of troops, not exceeding one thousand non-commissioned officers, musicians and privates, to be enlisted for a term of three years, unless sooner discharged.

SEC. 2. *Be it further ordained*, That the Governor be, and he is hereby, authorized to organize said troopsin to corps of artillery, cavalry, or infantry, as the exigencies of the service may require, and to appoint the commissioned officers thereof.

SEC. 3. *Be it further ordained*, That each of said enlisted men shall be entitled to receive a bounty of ten dollars, one-half on enlisting and the other half on joining the corps to which he may belong.

SEC. 4. *Be it further ordained*, That the officers and non-commissioned officers shall be entitled to the same pay and allowances as is now fixed by law for officers and non-commissioned officers of the same grade and arm of service in the army of the United States, and the private soldiers shall receive the same pay, clothing and allowances as private soldiers in the same arm of service in the army of the United States.

SEC. 5. *Be it further ordained*, That whenever the public safety shall demand it from any of the aforementioned causes, in addition to the aforesaid number of troops, the Governor shall be, and is hereby, empowered to accept the services of any number of volunteers who shall associate and offer themselves for the service, either as artillery,

cavalry or infantry, and the volunteers so accepted shall have power in the first instance to elect their own company officers, and when organized into regiments or battalions, they shall also have power to elect their regimental field officers; but vacancies occurring in said regiments, or battalions, or companies, shall be filled by regular promotion, according to rules for the regulation of the army of the United States.

SEC. 6. *Be it further ordained*, That said volunteers, when so accepted, shall be subject to the same rules and regulations, and entitled to the same pay, rations, clothing, and emoluments of every kind, except as to bounty, as the enlisted men to be raised by this Ordinance.

SEC. 7. *Be it further ordained*, That said volunteers shall not be accepted for a less term of service than one year, unless sooner discharged by the Governor.

SEC. 8. *Be it further ordained*, That the Governor shall be, and he is hereby, authorized and empowered to appoint one Major-General, who shall be entitled to the pay and allowances of a Major-General in the army of the United States, who shall hold his office during good behavior, and shall be entitled to the command of all the troops of the State when in service, whether the same shall be regulars, volunteers, or militia. And the Governor shall, from time to time, appoint Brigadier-Generals, according to the number of troops in the field and the exigencies of the service, not to exceed one Brigadier-General for every two regiments, whose pay and allowances shall be the same as Brigadier-Generals in the army of the United States, and whose commissions shall be vacated and withdrawn according as, in the opinion of the Governor, their services may be dispensed with; and the said Brigadier-Generals shall take rank according to the date of their commissions.

SEC. 9. *Be it further ordained*, That the Governor shall be, and he is hereby, empowered to appoint an Adjutant and Inspector-General, whose rank shall be that of a

Brigadier-General, and who shall be entitled to the pay and allowances of a Brigadier-General. And the Governor may also appoint an Assistant Adjutant-General, with the rank, pay and allowances of a Colonel of Dragoons. And the Governor may also appoint a Quartermaster-General, who shall be entitled to the rank, pay and allowances of a Brigadier-General; and two Assistant Quartermasters, who shall each be entitled to the rank, pay and allowances of a Captain of Dragoons. And the Governor may also appoint a Surgeon-General and a Paymaster-General, who shall each be entitled to the pay and allowances of a Colonel of Infantry.

SEC. 10. *Be it further ordained*, That the staff officers whose appointment is provided for in the foregoing section, shall hold their commissions subject to the discretion of the Governor, and may be dismissed at any time, when in his judgment the public service requires it to be done.

SEC. 11. *Be it further ordained*, That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of any ship or vessel, who shall receive on board of his ship or vessel, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to his commanding officer, shall be in force and apply to all matters and things within the intent and meaning of this ordinance.

SEC. 12. *Be it further ordained*, That no officer of the line or staff, who may be appointed under the provisions of this ordinance, shall be entitled to receive pay or allowances until he shall be called into actual service, nor for any longer time than he shall continue therein: *Provided*, That nothing in this ordinance shall be so construed as to prevent officers from receiving pay and allowances while engaged in the recruiting service, or

while prevented from the discharge of their duties by wounds or sickness, or while absent from their posts on leave.

SEC. 13. *Be it further ordained*, That there shall be appointed by the Governor an Ordnance Officer, with the rank, pay and allowances of a Lieutenant-Colonel of Artillery, who shall have charge of all the public arms and munitions of war of every kind and description whatever, and the said Ordnance Officer shall be assisted in the discharge of his duties by a Lieutenant or Lieutenants, who may be detailed for that purpose by the Major-General, whenever in his opinion the public service so requires.

SEC. 14. *Be it further ordained*, That the Quartermaster-General, Paymaster-General, Ordnance Officer, and Assistant Quartermasters, shall each give bond and security, to be approved by the Governor, and renewable at his pleasure, for the faithful performance of the duties of their respective offices.

SEC. 15. *Be it further ordained*, That the Major-General, whose appointment is provided for by this ordinance, shall be authorized to appoint a Military Secretary, with the rank, pay and allowances of a Captain of Dragoons.

SEC. 16. *Be it further ordained*, That each General officer may appoint his staff officers, whose rank, pay and allowances shall be the same as that of staff officers of the same grade in the army of the United States.

SEC. 17. *Be it further ordained*, That the regulations for the army of the United States, directed to be published on the first day of January, 1857, by Jeff. Davis, Secretary of War, shall be, and the same are hereby, adopted by the State of Alabama, so far as they consist with the provisions of this ordinance, and of other ordinances which have been or may be adopted by this Convention.

SEC. 18. *Be it further ordained*, That the next General Assembly, and each subsequent General Assembly of the

State of Alabama may make such alterations in, or amendments to, the foregoing ordinance as in their judgment the public service may require.

SEC. 19. *Be it further ordained,* That the system of accountability of each department of the army of the United States as now in force, with such alterations and modifications as are or may be necessary to adapt them to the government of the military forces of the State of Alabama, be, and the same are hereby, adopted.

Adopted, January 19, 1861.

No. 6.] AN ORDINANCE

To re-organize the Militia of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled,* That all military commissions in the Militia of the State of Alabama, of every grade and description, shall be, and the same are hereby, annulled, and declared to be utterly null and void: *Provided, however,* That officers now holding such commissions shall not be deprived of their commands until a new election is held, and their successors have been qualified, as hereinafter provided for.

SEC. 2. *Be it further ordained,* That the foregoing section shall not apply to the Adjutant-General and Quartermaster-General of the Militia, who shall be retained in office, subject to the pleasure of the Legislature; and may be dismissed or retained, as the Legislature shall direct.

SEC. 2. *Be it further ordained,* That the duties of the Adjutant-General and the Quartermaster-General of the Militia as now established by law, shall be entirely distinct and separate from the duties of the Adjutant-General and Quartermaster General whose appointments are provided for by an ordinance entitled "an Ordinance to

provide for the Military Defense of the State of Alabama," and shall be confined exclusively to the militia, as contra-distinguished from the enlisted men and volunteers actually in service.

SEC. 4. *Be it further ordained*, That the departments of Adjutant-General and Quartermaster-General of the militia shall be subordinate and subject to the order, direction and control of the corresponding departments of the regular and volunteer service.

SEC. 5. *Be it further ordained*, That the Legislature shall have power to prescribe the time and mode of election for filling the vacancies created by this ordinance, and to do all other acts and things in relation thereto, or in relation to promoting the efficiency of the militia, which, in their judgment, the public service may require, not inconsistent with the provisions of this ordinance, or of any other ordinance which has been or may be passed by this Convention.

Adopted, January 23, 1861.

No. 7.] AN ORDINANCE

To authorize Colonels of Volunteer Regiments to appoint their own Staff Officers.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That each Colonel of a volunteer regiment who shall be received into the service of the State of Alabama, under the provisions of an ordinance entitled "an Ordinance to provide for the Military Defense of the State of Alabama," passed January 19, 1861, shall be authorized and empowered, and he is hereby authorized and empowered to appoint and remove at his pleasure the following regimental staff, viz: one Adjutant and one Quartermaster, with the rank, pay and allowances of a 1st Lieutenant of Dragoons; one Surgeon and two As-

sistant Surgeons, whose rank and pay shall be the same as that of the same officers in the army of the United States; one Sergeant-Major, one Quartermaster-Sergeant, one Drum-Major, and one Fife-Major, who shall be entitled to the same pay and allowances as non-commissioned officers of the same grade in the army of the United States.

SEC. 2. *Be it further ordained*, That each Captain of a company shall be empowered to appoint the non-commissioned officers of his company, subject, however, to the approval of the Colonel, and removable at his pleasure.

SEC. 3. *Be it further ordained*, That when vacancies occur in the rank of 2d Lieutenant of volunteers, the Colonel of the regiment in which such vacancies occur shall be authorized and empowered to fill such vacancies by original appointment from the non-commissioned officers and privates of the regiment.

Adopted, January 26, 1861.

No. 8.] AN ORDINANCE

Supplemental to an Ordinance entitled "an Ordinance to provide for the Military Defense of the State of Alabama."

Be it ordained by the people of Alabama in Convention assembled, That the fifth section of an ordinance entitled "an Ordinance to provide for the Military Defense of the State of Alabama," shall be so construed as to authorize the Governor to accept the services of separate Companies of volunteers offering themselves for service; and such companies, after their acceptance by the Governor, shall elect their company officers.

Adopted, January 29, 1861.

No. 9.] AN ORDINANCE

Supplemental to an Ordinance to provide for the defense of Alabama.

Be it ordained by the people of Alabama in Convention assembled, That the Governor be, and he is hereby, authorized to extend and carry into effect the provisions of the "Ordinance to provide for the Military Defense of the State of Alabama," for the purpose of protecting the coast defenses of the Gulf of Mexico, and to prevent or repel invasion in that quarter.

Adopted, January 29, 1861.

No. 10.] AN ORDINANCE

To provide for the removal of the Arms and Munitions of War, at Mount Vernon, in the State of Alabama, to a place or places of greater security.

Be it ordained by the people of Alabama in Convention assembled, That the Governor of this State be, and he is hereby, authorized and empowered, to remove the arms and munitions of war of every kind and description, taken at the United States Arsenal at Mount Vernon, in the State of Alabama, and distribute them in such quantities as in his opinion the public service may require, among the following named cities and towns, viz: Mobile, Eufaula, Montgomery, Tuscaloosa, Jacksonville, Selma, Talladega and Huntsville, and such other places as the Governor may select; to be kept and delivered out only upon the order of the Governor, for the equipment of volunteers, or of military companies in the service of the State, except in cases of insurrection or invasion: *Provided*, That none of said cities or towns shall be entitled to receive a distributive share of said arms or munitions, unless the

corporate authorities thereof shall provide a place for the safe-keeping of the same, and become responsible for their delivery, or the delivery of any portion of the same, on the order of the Governor, whenever the public service may require it.

Adopted, January 26th, 1861.

No. 11.] AN ORDINANCE

In relation to the Collector of the Port of Mobile.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by authority of the same,* That Thaddeus Sanford, late Collector of the Port of Mobile, and his subordinates in office under the Government of the United States, be re-appointed to their respective offices by the State of Alabama, and that compensation of such officers be the same as that they received from the Government of the United States.

SEC. 2. *Be it further ordained,* That the said T. Sanford, Collector, as aforesaid, be instructed to retain in his hands, subject to the order of this Convention, (and with a view to future settlement with the Government of the United States,) all such money as he may have had in his hands as Collector of the United States at the Port of Mobile, on the day of the passing of the ordinance withdrawing the State of Alabama from the Federal Union—and that the State of Alabama is hereby pledged to indemnify and save harmless the said T. Sanford and his securities on his official bond to the government of the United States, for any loss or damage he or they may sustain, by complying with the requirements of this Ordinance.

SEC. 3. *Be it further ordained,* That His Excellency,

the Governor, be authorized to issue a Commission to T. Sanford, as Collector of the Port of Mobile, and that he be required to enter into bond with security, to be approved by the Judge of the sixth Judicial Circuit of the State of Alabama, in the same sum as is set forth in his bond to the United States, for the faithful discharge of his duties as Collector of said Port,—such bond to be transmitted to the Governor to be filed among the archives of the State, and that upon the execution of said bond he proceed to grant clearances to vessels, and collect duties, as he has heretofore done under the laws of the United States, until otherwise ordered by this Convention.

Adopted, January 14th, 1861.

No. 12.] AN ORDINANCE

Supplemental to an Ordinance heretofore passed in reference to the Custom House at Mobile.

SEC. 1 *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by authority of the same*, That the Collector of the Customs at the Port of Mobile, in all his official acts, and in the style of the documents it may be necessary for him to issue, shall do, and issue the same in the name of the State of Alabama.

SEC. 2. That, until otherwise provided by the Convention, the Tariff, Revenue, Collection, Ware-housing, and Navigation Laws of the United States, so far as they may be applicable, be, and the same are hereby adopted and made the laws of this State, saving that no duties shall be collected upon imports from the States forming the late Federal Union, nor upon the tonnage of vessels owned in whole or in part by citizens of said States.

SEC. 3. That all vessels built in Alabama or elsewhere, one-third of which shall be owned by a citizen or citizens of Alabama, or of any other slaveholding State of the late Federal Union, and commanded by a citizen thereof, and no other, shall be registered as vessels of Alabama, under the authority of the Collector of the Port aforesaid.

SEC. 4. That all moneys hereafter collected by the Collector aforesaid, whether upon goods, wares, and merchandize in bond or public store, or that shall hereafter arrive from any foreign country, shall, after deducting the sums necessary for the compensation of officers, and other expenses hereinafter referred to, be paid into the Treasury of the State of Alabama, for the use of said State, subject to the order of the Convention, or the Governor of the State.

SEC. 5. That the Collector aforesaid is hereby authorized and empowered, in the name of the State of Alabama, to take into his possession, and subject to his control, the United States Custom House, United States Marine Hospital at Mobile, the Light Houses at Choctaw Point, at Mobile Point, and Sand Island, the range lights and buoys in Mobile Bay, and the United States Revenue Cutter, Lewis Cass, now lying in the Port of Mobile, and that the officers in charge of these several departments be re-appointed to their respective offices: *Provided*, they are willing to accept the same from the State of Alabama and if not, the Collector is hereby authorized to fill the vacancies, under the same regulations as those prescribed for their government under the laws of the United States; that they report, as they have heretofore done, to the Collector; and the Collector is hereby instructed to superintend their duties and to pay their salaries, as he has been accustomed to do under the laws of the United States.

SEC. 6. That the Board of Steamboat Inspectors at the Port of Mobile be re-appointed by the State of Ala-

bama, and required to continue in the discharge of their duties, as they have heretofore done under the laws of the United States, and at the same salary—reporting, as heretofore, to the Collector, and, instead of the Secretary of the Treasury of the United States, to the Governor of the State.

SEC. 7. That the gold and silver coin of the United States, of England, France, Spain, Mexico, and the Southern Republics, shall be a lawful tender in payment of debts and duties, at their value, as regulated by the laws of the United States; and that, in the computation of all duties on imports from foreign countries into this State, the laws and the usages, in regard to foreign invoices, of the United States, in reference to the value of the coin or currency of the same, shall continue to be observed.

SEC. 8. That the weights and measures recognized by the laws of the United States, shall be the Standard in the State of Alabama, by which all contracts involving their use shall be regulated.

SEC, 9. That all discriminating tonnage duties on foreign vessels, and all discriminating duties on foreign goods, wares and merchandize, imported into this State, be, and the same are hereby, abolished.

SEC. 10. That the Collector aforesaid shall make monthly returns of the business of his office to the Governor of the State of Alabama, embracing an accurate account, in detail, of his receipts and disbursements; the latter showing the expenses of the Marine Hospital, the Revenue Cutter, and the Light Houses, and the amounts of the salaries of Steamboat Inspectors, of officers of the customs, and such incidental charges as appertain to the same; and unless the duties of said Collector are hereafter modified by this Convention, or some other competent authority, he is hereby required to make report quarter yearly to the Governor of the State, of such statistical returns as he has been heretofore required by the

laws of the United States to report to the Secretary of the Treasury.

Adopted, January 23, 1861.

No. 13.] AN ORDINANCE

To continue the City of Selma as a Port of Entry.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled, and it is hereby ordained by the authority of the same,* That the city of Selma and the city of Mobile are continued as Ports of Entry in this State, as they were under the laws of the United States, and that the ordinances heretofore adopted by this Convention in reference to Customs and Custom-houses, shall apply to the Port of Selma, except so far as the same are specially applicable to the Port of Mobile.

SEC. 2. That Jonathan Haralson is hereby appointed Collector of Customs at the Port of Selma, and that he proceed to discharge the duties of his office upon his giving bond, with security in the same sum as that set forth in his bond formerly given to the United States—the said bond to be approved of by the Judge of the first Judicial Circuit, and to be transmitted to the Governor of the State to be filed among its archives.

SEC. 3. *Be it further ordained,* That this ordinance and all other ordinances heretofore adopted by this Convention on the subject of Customs in this State are provisional, and shall not prevent action in reference to the same by the Convention of Deputies to assemble at the city of Montgomery, on the fourth day of February next.

Adopted, January 26, 1861.

No. 14.] AN ORDINANCE

To transfer and regulate the Jurisdiction and Practice of the several Federal Courts within the limits of the State of Alabama.

Be it ordained by the people of the State of Alabama in Convention assembled, That the judicial power heretofore forming a part of the judicial power of the United States of America, and which has been resumed by this State, shall be exercised by the Courts of this State hereinafter named.

SEC. 2. *Be it further ordained*, That the several Circuit Courts of the State of Alabama, the City Court of Mobile, and the Courts of Chancery in the State of Alabama, shall have, take and exercise original jurisdiction in all cases arising within the jurisdiction of the Federal Courts of the United States, as heretofore existing in the State of Alabama, by virtue of the Constitution of the United States and the laws of Congress as hereinafter provided.

SEC. 3. *Be it further ordained*, That the said Circuit Courts of this State, and the City Court of Mobile, shall have and exercise original jurisdiction in all cases embracing matters of law or of a maritime or admiralty nature heretofore cognizable in the District or Circuit Courts of the United States, by virtue of the Constitution of the United States of America, and the laws of Congress passed in conformity therewith; and that the Courts of Chancery of this State exercise jurisdiction in all cases of equity, heretofore exercised or cognizable in said courts of the United States, under the Constitution and laws thereof: *Provided*, that this grant of powers shall not be so construed as to give to the City Court of Mobile any right to try causes in which is involved, and in direct issue, the title to land.

SEC. 4. *Be it further ordained*, That in cases affecting ambassadors and other public ministers, the Supreme

Court of Alabama shall have original and exclusive jurisdistion; and in such cases, and in cases affecting consuls, there shall be in all the Courts above specified, in the exercise of the jurisdiction hereby conferred, as near a conformity as may be to the regulations and practice now prevailing in the United States Courts. But in all other cases, the pleading, practice and course of proceeding, except in cases as hereinafter stated, shall be in all respects as in ordinary cases, arising and pending in said State courts as regulated by the laws of this State.

SEC. 5. *Be it further ordained*, That all cases, except where the United States of America is plaintiff, now pending in said federal courts within the limits of the State of Alabama, and on the law side of the said courts, or of an admiralty and maritime nature, shall be transferred, with all the books of records, dockets, papers and documents, to the same appertaining, to the several circuit courts in the respective counties in which said federal courts have heretofore been holden, and all process now running on any case now pendi..g in said courts as aforesaid, except where the United States of America is plaintiff, shall be executed by the marshals holding such process and returned to the said circuit courts, and all cases pending in said courts on the equity side of said courts, with all the papers and documents appertaining to said cases on file in said courts, shall be transferred to the chancery courts in the said counties in which said federal courts have heretofore been holden, and all process now running on any such cause now pending as aforesaid, shall he executed by the marshals aforesaid and returned to said chancery courts.

SEC. 6. *Be it further ordained*, That the laws of the United States which were in operation at the time of the secession of the State of Alabama from the United States, concerning offences connected with the Postoffice Department, the public customs or seamen, and an act of the Congress of the United States, entitled "an act more

effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3d, 1825, so far as applicable to the State of Alabama, are hereby adopted as laws of this State until they may be altered or repealed, and all offenses under said laws shall be subject to the jurisdiction of the courts of this State, and said offenses are hereby declared to be offenses against the State of Alabama.

SEC. 7. *Be it further ordained*, That in all cases in which, under the laws aforesaid, trials have been had by juries, the same shall be tried by juries according to the practice of jury trials in the State of Alabama; and in all cases of admiralty and maritime jurisdiction and all other cases in which the jury trial has not been established, the form and mode of proceeding shall be such in the said State courts taking jurisdiction of such cases as have been heretofore in use in the said federal courts within this State taking cognizance of such cases.

SEC. 8. *Be it further ordained*, That until otherwise ordered, the clerks of the circuit courts in the respective counties in which the said federal courts have been holden, shall be and become the custodians of all records and papers belonging to the respective officers of the said federal courts, and shall have power, in the name and style of the State of Alabama, to issue all process or processes on final judgment existing in said courts, except when the United States of America is plaintiff, and all other process, mesne or final, necessary to the perfection of the rights of suitors in said federal courts; and such process, when so issued, may run to any county in the State of Alabama, and the sheriffs of said counties to which said process or processes may be sent shall receive, execute and return said process or processes to the office whence said process or processes are issued; and shall receive the same fees for such service as now allowed by law in the State of Alabama for like service, and shall be subject to like pains and penalties for defaults and

malfeasance in office in regard to such process or processes as are now prescribed and are now in force in the State of Alabama in regard to processes issued under the laws of the said State; and such process or processes, when so returned as aforesaid to said respective courts, shall be governed in all respects (except as hereinbefore provided) by the same rules and practice as the ordinary process or processes issued under the laws of the State of Alabama.

SEC. 9. *Be it further ordained*, That the United States Marshals, in whose hands any process or processes may be running, except where the United States of America is plaintiff, shall execute and make return thereof to the respective courts above prescribed in the foregoing sections, and for any default in executing or in making such returns, or for any failure to pay over money collected on any such process or processes, or for any malfeasance in office, or misconduct of any kind or description, in regard to said process or processes, or in the performance of his official duties, the several parties in interest may have the same remedies against the said marshal or marshals and his or their securities, as are now provided by the laws of the State of Alabama for like defaults or misconduct of sheriffs of the several counties of the State; so, also, if such marshal or marshals shall have been guilty of any default, malfeasance in office, or misconduct of any kind, before the secession of the State, by which the parties in interest have had the right to proceed against said marshal or marshals and their securities for such defaults or liability by motion or other proceeding, the said parties shall not lose such right by the secession of the State of Alabama, but shall have the right to proceed to enforce the said claim before the courts above specified, in the same manner as prescribed in the preceding part of this section; and that such marshal shall be entitled to the same pay as provided by the laws of the United States.

SEC. 10. *Be it further ordained*, That an act of the Congress of the United States, passed May 26, 1790, entitled "an act to prescribe the mode in which the public acts, records, and judicial proceedings in each State shall be authenticated so as to take effect in every other State," and also an act of the Congress of the United States, passed the 27th day of March, 1804, entitled "an act supplementary to an act entitled 'an act to prescribe the mode in which the public acts, records and judicial proceedings in each State shall be authenticated so as to take effect in every other State,'" and which said acts of Congress are found in the Code of Alabama on page 50, are hereby adopted as the laws of the State of Alabama, and that all records, papers, and documents, of every kind and description, authenticated according to said acts of Congress, shall be, to all intents and purposes, as valid, and of the same force and effect, as if the State of Alabama had not seceded from the United States of America.

SEC. 11. *Be it further ordained*, That in all cases in which an appeal or writ of error from any judgment or decree of the Supreme Court of the State of Alabama has been taken to the Supreme Court of the United States of America, and which was pending in said Supreme Court of the United States before the 11th of January, 1861, the Supreme Court of the State of Alabama shall proceed to execute such judgment as if no appeal or writ of error had been taken, and in all cases in which an appeal or writ of error has been taken from any district or circuit court of the United States of America holden in the State of Alabama, to the Supreme Court of the United States of America, and which was pending in said Supreme Court before the 11th day of January, 1861, the appeal shall be considered as taken to the Supreme Court of the State of Alabama, and the party appealing or taking such writ of error, may file a transcript in said Supreme Court of the State of Alabama, within six

months from this date; and said court shall take jurisdiction upon the same as if the appeal or writ of error had been originally taken to said Supreme Court of Alabama, and if such transcript be not filed within the time aforesaid, then said appeal shall be null and void, and the proper court shall proceed to execute the judgment originally rendered. But, before filing such transcript the party shall give bond and security, as now required by law for appeals to the Supreme Court of the State of Alabama, which bond shall be given in the court to which the cause is transferred by this ordinance.

SEC. 12. *Be it further ordained,* That no suit in which the United States of America is the party plaintiff against any citizen or citizens of the State of Alabama, shall, by reason of the foregoing ordinance, be transferred to, or tried, by any of the courts of the State of Alabama, nor shall any suit be brought in the name of the United States of America, in any of the courts aforesaid, against any citizen or citizens of this State, until otherwise ordered by this Convention, or by the General Assembly of the State of Alabama.

SEC. 13. *Be it further ordained,* That the federal jurisdiction disposed of in the above and foregoing ordinance shall be exercised by the State courts above named only until the Southern Congress now contemplated shall otherwise dispose of the same.

Adopted, January 26, 1861.

No. 15.] AN ORDINANCE

In reference to the several Ordinances passed by this Convention in relation to Federal Affairs.

Be it ordained by the people of the State of Alabama in Convention assembled, That the several ordinances passed by

this Convention, in reference to subjects over which the Federal Government had jurisdiction, under the Constitution of the United States, before the State of Alabama seceded from the Union, shall remain in force only till the Provisional or Permanent Government, hereafter to be established by the Seceding States, shall exercise its powers on the same subjects, and, by constitutional provision, ordinance, laws, passed by authority of such Governmnet, establish rules and regulations inconsistent therewith.

Adopted, January 29, 1861.

No. 16.] AN ORDINANCE

To preserve the Laws of Alabama, and such Offices, Rights and Remedies as are consistent with the Ordinance of Secession, and with other Ordinances adopted by this Convention.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That no law enacted by the authority of the State of Alabama, in force on the eleventh day of January, A. D. 1861, and consistent with the Constitution of this State, and not inconsistent with the ordinances of this Convention, is affected by the ordinance known as the Ordinance of Secession, adopted on said day, and entitled "an Ordinance to dissolve the union between the State of Alabama and other States, united under the compact styled, the Constitution of the United States."

SEC. 2. No office, civil or military, created by this State, or under authority of its laws, in force on the eleventh day of January, A. D. 1861, and no officer lawfully exercising the powers or duties of such office, is affected by said Ordinance of Secession, except the offices

of the members of the House of Representatives and of the Senators of the Congress of the United States of America, and these are abrogated.

SEC. 3. No offense against the laws of this State, committed before or since the adoption of said Ordinance of Secession, is affected by said ordinance; and no offender against said laws is relieved or discharged from the consequences of such offenses by said ordinance; and no amercement, fine, penalty, forfeiture, escheat, bond, or recognizance, accruing or enuring, in whole or in part, to the State of Alabama, whether in action or in judgment, is affected by said ordinance.

SEC. 4. No bond issued by authority of the laws of this State, or bills or coin lawfully used as money in this State, and no bond, obligation, debt or duty, due or owing to this State, or enuring, in whole or in part, to this State, before or since the adoption of said ordinance, is affected thereby.

SEC. 5. No process or proceeding of any court of this State is affected by said Ordinance of Secession.

SEC. 6. No right, title, franchise, easement, license or privilege given, granted, or conferred to, or upon, any person or body corporate, under and by authority of the laws of this State, and no right of possession or property, action or prosecution, title, claim, contract, agreement, obligation, debt, or duty of any person or body corporate, is affected by said Ordinance of Secession, unless the same is inconsistent with said ordinance, or is affected by some other ordinance of this Convention.

SEC. 7. No rights acquired, or vested in any body corporate under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any law of this State, and not incompatible with said Ordinance of Secession, is affected by said ordinance.

Adopted January 23, 1861.

No. 17.] AN ORDINANCE

Concerning Foreign Coin.

Be it ordained by the people of Alabama in Convention assembled, That the laws of the United States, late in force in this State, relating to the denomination and value of the gold and silver coin of the United States, and other foreign countries, shall be adopted as the laws of this State until otherwise provided; and such coins shall be a legal tender in this State, at the value now fixed by such laws.

Adopted, January 24, 1861.

No. 18.] AN ORDINANCE

For the Issuance of State Bonds.

Be it declared and ordained, and it is hereby declared and ordained, by the people of Alabama, by their Delegates, in Convention assembled, That, in order to provide for the payment of any extraordinary expenses of the State Government, the General Assembly of this State shall have power to cause to be issued bonds of the State of Alabama, to such an amount and in such sums as they may deem best,—the principal and interest to be made payable at such time and place, and at such rate, as the General Assembly may prescribe, and the faith and credit of the State to stand pledged for the punctual payment of principal and interest of such bonds.

Adopted, January 19, 1861.

No. 19.] AN ORDINANCE.

To make Provisional Postal Arrangements in Alabama.

Be it ordained by the people of Alabama in Convention assembled, That the postal contracts, arrangements and regulations, in force on the eleventh day of January, A. D. eighteen hundred and sixty-one, are permitted to be continued, and the persons charged with the duties thereof are permitted to continue to discharge such duties until a postal treaty, or treaties, shall be concluded, or until otherwise ordered or provided by the authority of this State.

Adopted, January 15, 1861.

No. 20.] AN ORDINANCE

Supplemental to an Ordinance to make Provisional Postal Arrangements.

Be it ordained by the people of Alabama in Convention assembled, That, until such time as a Provisional or Permanent Government is established, of which Alabama shall become a member, the General Assembly of the State of Alabama has full power and authority to make provisional postal arrangements for this State.

Adopted, January 26, 1861.

RESOLUTIONS.

RESOLUTIONS

In relation to the formation of a Provisional and Permanent Government between the Seceding States.

Resolved, That this Convention cordially approve of the suggestions of the Convention of the people of South Carolina to meet them in Convention at Montgomery, in the State of Alabama, on the fourth day of February, 1861, to frame a Provisional Government, upon the principles of the Constitution of the United States, and also to prepare and consider upon a plan for the creation and establishment of a Permanent Government for the seceding States, upon the same principles, which shall be submitted to Conventions of such seceding States for adoption or rejection.

Resolved, That we approve of the suggestion that each State shall send to said Convention as many Deputies as it now has, or has lately had, Senators and Representatives in the Congress of the United States; and that each State shall have one vote upon all questions upon which a vote may be taken in said Convention.

Resolved, therefore, That this Convention will proceed to elect, by ballot, one Deputy from each Congressional District in this State, and two Deputies from the State at large, at twelve o'clock, meridian, on Friday, the 18th of January instant, who shall be authorized to meet in Con-

vention such Deputies as may be appointed by the other slaveholding States who may secede from the Federal Union, for the purpose of carrying into effect the foregoing and the resolutions attached to the Ordinance dissolving the Union; and that Deputies shall be elected separately, and each Deputy shall receive a majority of the members voting.

Adopted, January 17, 1861.

RESOLUTION

In relation to the Navigation of the Mississippi River.

WHEREAS, the navigation of the Mississippi river is a question in which several Northern States and Southern States yet in the Federal Union, are deeply interested; and whereas, the people of the State of Louisiana are about to consider of the propriety of seceding from said Union; and whereas, this is a subject which will properly come under the consideration of the Convention of Seceding States to meet on the fourth day of February—

Be it resolved, That it is the deliberate sense of this Convention that the navigation of the Mississippi river to the people of the States and Territories of the Federal Union upon it and its tributaries, should remain free, and that no restriction upon this privilege should be made, further than may be necessary for tonnage duties to keep open, and make safe, the navigation of the mouth of said river. and for purposes of protection against a belligerent and unfriendly people.

Adopted, January 25, 1861.

RESOLUTION

In relation to the African Slave Trade.

WHEREAS, the people of Alabama are opposed, on the grounds of public policy, to the re-opening of the African Slave Trade; therefore,

Resolved, That it is the will of the people of Alabama that the Deputies elected by this Convention to the Southern Convention, to meet at the city of Montgomery on the fourth day of February next to form a Southern Republic, be, and they are hereby, instructed to insist on the enactment by said Convention of such restrictions as will effectually prevent the re-opening of the African Slave Trade.

Adopted, January 28, 1861.

ORDINANCES.

THE STATE OF ALABAMA.

At a Convention of the People of the State of Alabama, begun and holden at Montgomery, on the fourth day of March, in the year of our Lord, one thousand eight hundred and sixty-one, and continued to the twenty-first day of March in the same year.

No. 21.] AN ORDINANCE

For the purchase of Provisions.

Be it ordained by the people of Alabama in Convention assembled, That the Governor of this State be, and he is hereby authorized to appoint an agent whose duty it shall be to make purchases of provisions and stores for the troops of the State, from time to time, as the same may be required. And the said agent shall be at all times subject to the control, order and direction of the Governor in the matters aforesaid, and may be dismissed from the public service at the pleasure of the Governor.

Be it further ordained, That the rate of compensation allowed to the said agent shall be settled by agreement with the Governor, which agreement shall be reduced to writing, and filed in the Executive Department of the State.

Be it further ordained, That said agent shall give bond and security, to be approved by the Governor, which said bond shall be increased in amount from time to time, as the Governor shall direct.

Be it further ordained, That in suits upon any bond provided for in the foregoing section, no objection as to form shall be allowed, nor shall any plea be received except a plea to the merits.

Be it further ordained, That the sums of money necessary to carry into effect the foregoing ordinance, may be borrowed by the Governor, and he is hereby authorized and empowered to execute bonds for the same in the name of the State: *Provided, however*, that no such bond shall have less than twelve months to run, nor carry a higher rate of interest than eight per centum per annum.

Approved, January 14, 1861.

No. 22.] AN ORDINANCE

To turn over to the Government of the Confederate States the Arms and Munitions of War belonging to this State, and for other purposes.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the control of all military operations in this State, having reference to, or connection with, questions between this State and other States, or any power foreign to them, shall be turned over to the Provisional Government of the Confederate States of America, to be exercised by said Government.

SEC. 2. *And be it further ordained*, That the State of Alabama hereby turns over to the Provisional Government of the Confederate States of America all arms and munitions of war which have been acquired from the late United States, and which are now in the forts and arsenals in this State; and that the Governor of this State shall have power to make a similar disposition of any other arms and munitions of war which belong to this State, excepting muskets, rifles and small arms: *Provided*, That the said Government of the Confederate States shall

account for all such arms and munitions of war as are hereby turned over.

SEC. 3. *And be it further ordained*, The transfer provided for in this ordinance shall be conducted on the part of this State by the Governor thereof.

Adopted, March 9, 1861.

No. 23.] AN ORDINANCE

To provide for the transfer of certain Troops therein mentioned to the Confederate States of America.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Governor of this State be, and he is hereby, authorized and empowered to transfer and turn over to the Confederate States of America, all the non-commissioned officers, musicians and privates who have been enlisted, or may be enlisted, under the provisions of an ordinance entitled "an Ordinance to provide for the military defense of the State of Alabama," adopted January 19th, 1861.

SEC. 2. *Be it further ordained*, That the commissioned officers of said enlisted men, appointed under the provisions of said ordinance, may be transferred to the service of the Confederate States of America, upon terms to be agreed upon by the Governor of the State of Alabama and the President of the said Confederate States.

SEC. 3. *Be it further ordained*, That the Governor of this State be, and he is hereby, authorized and empowered to transfer all volunteer companies whose services have been accepted by him, or whose services may hereafter be tendered and accepted, under the provisions of said ordinance, to the Confederate States of America, to be employed by the President thereof, at such points as may be deemed best for the common defense: *Provided, however*, that the assent of such volunteer companies shall

first be obtained to such transfer, and a certificate of such assent shall be made upon the muster rolls of each company, and signed by the Captain, or commanding officer of the company; and any member of the company withholding his assent, may be discharged, or employed in the service of the State, at the discretion of the Governor.

Adopted, March 11, 1861.

No. 24.] AN ORDINANCE

To give efficiency to the ordinance of 19th January, 1861, "to provide for the Military Defense of the State of Alabama."

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Governor is authorized to appoint one Surgeon, and not exceeding two Assistant Surgeons, for the service of the three years' recruits, who shall be assigned to duty as the Governor may direct, and who shall be entitled to the same rank, pay and emoluments, when ordered into service, as Surgeons and Assistant Surgeons in the army of the United States.

SEC. 2. *Be it further ordained*, That in all cases where volunteers have been accepted for twelve months, and have not been organized into a regiment, the Governor is authorized to appoint Surgeons and Assistant Surgeons for such volunteers, not exceeding one Surgeon and one Assistant Surgeon for every five hundred volunteers actually in service, who shall be assigned to duty as the Governor shall direct, and shall hold their commissions until such volunteers are organized into a regiment, and regimental Surgeons and Assistant Surgeons appointed; and the Surgeons and Assistants shall, while in service, be entitled to the same pay and emoluments as provided by the first section of this ordinance.

Adopted, March 12, 1861.

No. 25.] AN ORDINANCE

To regulate the Staff of the Major-General appointed under the Ordinance of 19th January, 1861.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the staff of the Major-General, appointed under the provisions of an ordinance entitled "an Ordinance to provide for the military defense of the State of Alabama," adopted January the 19th, 1861, shall be the same as that of a Major-General of the militia of the State of Alabama, and shall be appointed by said Major-General.

Adopted, March 12, 1861.

No. 26.] AN ORDINANCE

To provide for the sale of Provisions belonging to this State, and for other purposes.

SEC. 1. *Be it ordained by the State of Alabama in Convention assembled*, That the Governor of Alabama is authorized to sell to the Confederate States of America, all provisions and military and Quartermaster's stores not needed by this State. And in the event the Confederate States shall not purchase all of said stores or provisions as will not be needed by this State, then the Governor shall dispose of them at his discretion.

Adopted, March 12th, 1861.

No. 27.] AN ORDINANCE

To confer upon the Government of the Confederate States of America jurisdiction over the Custom House and Marine Hospital. at Mobile, and certain Light Houses, Lights and Buoys, in Mobile Bay, and for other purposes.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by the authority of the same,* That the Government of the Confederate States of America is hereby authorized to use, occupy and hold possession of the lot and tenement in the city of Mobile, known and designated as the United States Custom House, and also the lot and tenement known and designated as the United States Marine Hospital, and their appurtenances; and that the same Government is further authorized to use, hold and occupy, and take under its charge and control, the Light Houses at Choctaw Point, Mobile Point, and Sand Island, and the Range Light and Buoys in Mobile Bay, and to repair, and rebuild, and alter the same, in its discretion it may deem advisable for the public interests.

SEC. 2. *And be it further ordained,* That the Revenue Cutter, Lewis Cass, attached to, and in the service of said Custom House, be, and is hereby, turned over to the Government of the Confederate States of America.

SEC. 3. *And be it further ordained,* That this ordinance shall be, and remain in full force until repealed by a Convention of the people of Alabama.

Adopted, March 12, 1861.

No. 28.] AN ORDINANCE

To transfer to the Government of the Confederate States of America the money in the hands of the Collector at the Port of Mobile.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled, and it is hereby ordained by authority of the same,* That the Collector at the Port of Mobile is hereby authorized and instructed to pay over to the proper Department of the Government of the Confederate States of America, all such moneys as he may have had in hand at the date of his report to the Governor of the State of Alabama, on the first day of March, A. D. 1861, and all such as may have been since received in payment of duties, or on bonds given for duties, or that may be so received up to the date of the proposed transfer to the Government of the Confederate States; and that he be authorized to take from said Government receipts and acquittances for the same: *Provided,* that the said Government of the Confederate States shall account for all such moneys as it may receive under this ordinance upon a general settlement of its affairs with the Government of the United States.

SEC. 2. *And be it further enacted,* That upon a full compliance with this ordinance, and the production to the Governor of the State of satisfactory evidence from the government of the Confederate States that it has been complied with, the Governor be, and he is hereby, authorized to cause to be cancelled the official bond heretofore given by the said Collector to the State of Alabama, under a former ordinance of this Convention, and now on file among the archives of the State.

Adopted, March 12, 1861.

No. 29.] AN ORDINANCE

In relation to the 2d Volunteer Regiment of Alabama, and for other purposes.

Be it ordained by the people of the State of Alabama in Convention assembled, That the ordinance of January 23d, 1861, "to re-organize the militia of the State of Alabama," does not, and was not intended to apply to any volunteer regiment or company of Alabama then in the actual service of the State.

SEC. 2. *Be it further ordained*, That the commissions hereafter issued to the officers of said regiments or companies, are hereby confirmed; and the Governor of the State is hereby empowered to issue commissions to officers of said regiments or companies, elected or appointed according to the constitution, rules and regulations of the same, in case of vacancy by death, removal or other cause: *Provided*, that the foregoing ordinance may at any time be altered, amended, or repealed, by the Legislature of the State.

Adopted, March 13th, 1861.

No. 30.] AN ORDINANCE

To ratify and adopt the Constitution of the Confederate States of America.

Be it ordained by the people of Alabama in Convention assembled, That the Constitution framed and adopted on the 11th day of March, 1861, by the Deputies from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, in Convention assembled, at Montgomery, Alabama, be, and the same is hereby, approved, ratified and adopted, as the Federal Constitution for the people of Alabama.

Done in Convention on the 13th day of March, 1861.

No. 31.] AN ORDINANCE

In reference to the construction of all changes made in the Constitution of the State of Alabama.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That no change made in the Constitution of the State of Alabama by this Convention shall have the effect to divest any right, title, or legal trust, existing at the time of making such change. But all such changes shall have a prospective, and not a retrospective effect, unless otherwise declared in the change itself.

Adopted, March 14, 1861.

No. 32.] AN ORDINANCE

To confer jurisdiction over the Forts and Arsenals in the State of Alabama upon the Confederate States of America.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled,* That the Provisional Government of the Confederate States is hereby authorized to use, occupy, and hold possession of all forts, navy yards, and arsenals, and their appurtenances in this State, and shall repair and re-build said forts and arsenals, at its discretion, until this ordinance is repealed by a convention of the people of this State.

Adopted, March 14, 1861.

No. 33.] AN ORDINANCE

To amend certain parts of Chapter one, of Title two, of Part two, of the Code of Alabama, so as to place the holders of Stocks of the Confederate States of America, and of the State of Alabama, on equal footing with the holders of United States Stocks.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That section 1373 of the Code of Alabama be amended by striking out the words "United States," where they occur, and inserting in lieu thereof the words "Confederate States of America."

SEC. 2. *Be it further ordained*, That section 1375 of the Code of Alabama be amended, by striking out all except the number thereof and inserting in lieu thereof the words following: "On legally transferring to the Comptroller such portion of the stock of the Confederate States of America, or of the State of Alabama, as is prescribed by section 1376 of this Code, such person or association desirous to engage in the business of banking in this State, or engaged in such business in this State, is entitled to receive from the comptroller an amount of such countersigned notes equal to double the market value, but not to exceed double the amount of the par value of such stocks. And any person or association engaged in such business, having deposited with the Comptroller any stocks of the United States, or of any other State, under the law as heretofore existing, may withdraw such stocks upon first depositing with the Comptroller an amount of the stocks of the Confederate States, or of the State of Alabama, equal in value to the amount of the stocks of the United States of America so withdrawn. But no person not a citizen of this State, and no foreign corporation shall hereafter engage in the business of banking in this State, nor shall in any way be a stockholder in a bank under the provisions of this law; but nothing herein contained shall affect the rights of any person or

association now engaged in the business of banking under the provisions of the law as heretofore existing."

SEC. 3. *Be it further ordained*, That section 1393 of the Code of Alabama be amended by striking out the words "United States," where they occur, and inserting in lieu thereof the words "Confederate States of America."

SEC. 4. *Be it further ordained*, That the next or any subsequent Legislature may require any Free Bank, now or hereafter organized under this law, to retire its circulation so as to reduce the amount of the same, to an amount not to exceed the market value of the bonds deposited with the Comptroller, and the amount so retired shall be returned to, and cancelled by, the Comptroller.

Adopted, March 16, 1861.

No. 34.] AN ORDINANCE

To lay off the State of Alabama into nine Congressional Districts.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That for the election of representatives in Congress of the Confederate States of America, this State is divided into nine Congressional Districts, as follows: The first District is composed of the counties of Lauderdale, Franklin, Lawrence, Limestone, Madison, and Morgan; the second District of Marion, Winston, Blount, Jefferson, Walker, Tuscaloosa, and Fayette; the third District of the counties of Jackson, Marshall, DeKalb, Cherokee, and St. Clair; the fourth District of the counties of Calhoun, Randolph, Talladega, and Shelby; the fifth district of the counties of Bibb, Perry, Marengo, Greene, Pickens, Sumter, and Choctaw; the sixth District of the counties of Dallas, Autauga, Coosa, Lowndes, Butler, and Montgomery: the seventh District of the

counties of Tallapoosa, Chambers, Russell, and Macon; the eighth District of the counties of Barbour, Henry, Dale, Coffee, Pike, and Covington; the ninth District of the counties of Conecuh, Monroe, Wilcox, Clarke, Washington, Mobile, and Baldwin.

SEC. 2. *Be it further ordained*, That the sheriffs of the counties of Lawrence, Walker, Marshall, Talladega, Greene, Lowndes, Macon, Dale and Monroe, are the returning officers of their respective Congressional Districts, and the sheriffs of the other counties in their district must make returns to the returning officers above mentioned as now prescribed by law.

SEC. 3. *Be it further ordained*, That the ordinance be, and the same shall remain, in full force until otherwise provided by the General Assembly of the State of Alabama.

Adopted, March 18, 1861.

No. 35.] AN ORDINANCE

To restrict the Legislature in reference to the creation of debts.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That the General Assembly shall not borrow or raise money on the credit of the State, except for purposes of military defense against actual or threatened invasion, rebellion, or insurrection, unless two-thirds of the members elected to each house shall concur. Nor shall the debt or liabilities of any corporation, person or persons, or other State be guarantied, or any money, credit, or thing loaned, or given away, unless by a like concurrence of each house, voting in cases provided for in this section by ayes and noes, to be placed upon the Journals.

Adopted, March 18, 1861.

No. 36.] AN ORDINANCE

To provide for the payment of interest semi-annually on the bonds issued under the act of the Legislature of 29th January, 1861.

SEC. 1. *Be it ordained by the Convention of the people of Alabama in General Assembly convened*, That the bonds issued under the act of the Legislature of Alabama entitled "an act to raise money to provide for the military defense of the State of Alabama," shall bear interest at the rate of eight per centum per annum, payable semi-annually.

SEC. 2. *Be it further ordained*, That the Governor shall, in his discretion, make the said bonds and the interest on said bonds, or any of them, payable at any Bank in the city of Mobile, or elsewhere.

SEC. 3. *Be it further ordained*, That nothing in this ordinance shall apply to the bonds which have been, or may be, taken by the suspended Banks, and that such bonds shall be governed by the act of the Legislature mentioned in the first section of this ordinance.

Adopted, March 18, 1861.

No. 37.] AN ORDINANCE

To amend and construe an ordinance entitled "an Ordinance to provide for the military defense of the State of Alabama," adopted January 19th, 1861.

SEC. 1. Whereas, heretofore a portion of the volunteer force of the State of Alabama has been called into service under and by virtue of an order of his Excellency, the Governor; and whereas, doubts have arisen as to whether there be any appropriation out of which they can be paid;

Be it, therefore, ordained by the people of Alabama in Convention assembled, That it shall and may be lawful to pay the said volunteer force, together with all necessary expenses for transportation, clothing and subsistence, &c., while in the actual service of the State, (whether in or out of the State,) from the money appropriated by an act of the General Assembly of the State of Alabama, entitled "an act making appropriations for the military defense of the State," approved February 6th, 1861, any thing in said ordinance to the contrary, notwithstanding.

Adopted, March 19, 1861.

No. 38.] AN ORDINANCE

To make provision to pay a certain Military Company therein named.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Governor of the State be, and he is hereby, authorized to settle the account of the Governor's Guard against the State for rations to which the said company was entitled whilst in the service, at the rate per ration established by the army regulations.

Adopted, March 19, 1861.

No. 39.] AN ORDINANCE

To allow Mileage to John R. Kenan and John F. Welch.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, Thot John R. Kenan and John F. Welch, of the county of Shelby, be, and they are hereby, allowed mileage to and from their residences in said coun-

ty, and per diem for the time they were actually in attendance at the seat of Government, in connection with the contest of the election of Delegates to this Convention from the county of said Shelby, and that the Comptroller is hereby authorized and required to issue his warrant to said parties for mileage and per diem as aforesaid, agreeable to the law regulating mileage and per diem of members of this Convention, upon affidavit by said parties of the distance traveled, and time in attendance at the capitol as aforesaid.

Adopted, March 19, 1861.

No. 40.] AN ORDINANCE

To provide for certain expenses in preparing the Acts and Journals of the late (called) Session for the press, and the distribution of the same, and for other purposes.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled, and it is hereby ordained by the authority of the same,* That the sum of nine hundred dollars is hereby appropriated to pay for the distribution of the laws and journals of the late called session of the General Assembly, and the journals of the Convention of the people of Alabama, and that the Comptroller of Public Accounts is required to draw his warrant on the State Treasurer, in favor of the agents employed by the Secretary of State, upon his certificate that they have distributed their respective districts, for the amount of their respective contracts; which amounts must be stated in the certificate of the Secretary of State.

SEC. 2. *Be it further ordained,* That the Secretary of State be allowed the sum of six hundred dollars for placing marginal notes to the laws, reading proof-sheets, and superintending the printing of the same, copying the

journals of both houses at the late session, and the journals of the Convention, preparing indices to the laws and the journals of both bodies, and superintending the distribution of the same; and that the Comptroller draw his warrant in favor of said Secretary for said sum, for said services.

SEC. 3. *And be it further ordained*, That the sum of fifteen hundred dollars be, and the same is hereby, appropriated to pay for three hundred copies of Smith's History and Debates of the Convention, according to the provisions of the resolution passed by this Convention on the 11th day of March, 1861, and the Comptroller is hereby required to issue his warrant on the Treasurer for the payment thereof, whenever the Governor shall certify that said copies have been delivered in conformity with said resolution.

SEC. 4. *And be it further ordained*, That the sum of one hundred dollars is appropriated to pay A. G. Horn, Secretary of this Convention, for extra services; and that the Comptroller be authorized to draw his warrant on the Treasurer of the State in favor of A. G. Horn, Secretary of this Convention, for the sum of one hundred dollars for extra services rendered.

Adopted, March 20th, 1861.

No. 41.] AN ORDINANCE

To provide for the printing of the Constitution of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Judges of the Supreme Court of this State be constituted a Committee to superintend and supervise the printing of the Constitution of the State of Alabama.

Adopted, March 20, 1861.

No. 42.] AN ORDINANCE

To provide for the enrollment of the Constitution of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the Committee to revise the Constitution be authorized to select suitable persons to contract for and superintend the enrollment of the Constitution of Alabama, on parchment, as nearly as may in the manner in which the Constitution of the Confederate States has been enrolled; and that on the certificate of the persons so selected by the Committee, countersigned by the chairman of said Committee, the Comptroller draw his warrant on the Treasurer for the sum so found to be due by them for said enrollment.

Adopted, March 20, 1861.

No. 43.] AN ORDINANCE

In relation to cancelled Land Entries.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That the Mobile and Girard and Alabama and Florida Rail Road Companies are hereby authorized to select, by their agents, from any of the public lands of the State, within fifteen miles on either side of the lines of their respective roads as fixed by their surveys, a quantity of land in the even numbered sections of land equal to, and in lieu of, such lands as may have been located or entered on and between the 23d day of June and the 9th day of October, 1856, under the construction of the act of Congress of the 17th May, 1856, granting lands to said roads; and upon such selections of land by said Rail Road Companies, and their filing with the Commissioner of public lands, a list of the lands so

selected, and their relinquishment of all claims upon the land entered within the times named by private individuals, the Governor of the State shall issue patents to said Rail Road Companies, respectively, for lands so selected, as in other cases, but no charge shall be made by the officers of the land office for such service.

SEC. 2. *Be it further ordained by the people of the Sta e of Alabama in Convention assembled,* That the lands entered at the Greenville and Elba land office districts on and between the 23d day of June and the 9th day of October, 1856, be, and the same are hereby, confirmed; and as soon as practicable, after said Rail Road Companies shall have made their selections, as provided for in the preceding section of this ordinance, the Governor shall issue patents to the persons who made said entries or locations; *Provided, however,* no person who entered lands between the times above mentioned, and who has since made application and received back his or her purchase money from the late United States Government, shall be entitled to the benefit of this ordinance; *Provided, further,* that this ordinance shall not apply to any cancelled land entered in odd sections, which have been bona fide sold by the said Rail Road Companies.

Adopted, March 20, 1861.

No. 44.] AN ORDINANCE

To make an appropriation for a certain purpose therein named.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled,* That the sum of twenty-five dollars is hereby appropriated to pay Samuel B. Brewer, for his services as clerk to the Committee on the Constitution.

Adopted, March 20, 1861.

No. 45.] AN ORDINANCE

To define and explain the effect of the Ordinances adopted by this Convention.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That the General Assembly of this State shall have no power to repeal, alter, or amend any ordinance of this Convention incorporated in the Constitution as revised by this Convention; all the other ordinances of this Convention are to be considered and regarded as legislative enactments, and may be altered, amended, or repealed by the General Assembly of this State.

Adopted, March 20, 1861.

No. 46.] AN ORDINANCE

To provide for the Permanent Seat of Government of the Confederate States of America within the limits of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled*, That the General Assembly of this State is hereby authorized and required to cede by law, to the Confederate States of America, exclusive jurisdiction over a District in this State not exceeding ten miles square, whenever satisfactory information has been furnished that the Congress of the Confederate States desires and intends to establish therein the permanent seat of Government of the said Confederate States.

SEC. 2. *Be it further ordained*, That if it shall appear that the propsed seat of Government is to be placed in a district which lies partly in this State and partly in another State, then the General Assembly shall cede so much thereof less than ten miles square as may be within the

limits of this State, and vest in the Congress exclusive jurisdiction over the same, in the same manner and under the same restrictions as are provided in the first section of this ordinance.

SEC. 3. *Be it further ordained*, That all the public lands belonging to this State which may remain at the time of the selection by Congress of said district, and lying within the same, shall vest absolutely in the Government of the Confederate States, and patents therefor may issue on application to the Land Commissioner of this State.

SEC. 4. *Be it further ordained*, That no such cession by the General Assembly shall become effectual until a provision is made by law to take a vote of the legally qualified voters within said district, which vote shall determine whether a majority of the people thereof are for or against the cession; and if favorable, then the jurisdiction of Alabama shall be divested; but if otherwise, then the General Assembly shall decline to yield jurisdiction or to make the cession, as provided in sections one and two.

Adopted, March 20, 1861.

No. 47.] AN ORDINANCE

In relation to the waste and unappropriated Land in the State of Alabama.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That all the waste and unappropriated public domain within the limits of the State of Alabama is the property of said State, and the title, control and jurisdiction of the same are hereby assumed by the State; and all public lands lying within the State not sold or appropriated to specific purposes by the government of the United States previous to the eleventh

day of January, A. D. 1861, are hereby vested in the State of Alabama, and they and the proceeds of the sales thereof shall enure to the benefit of the people of the State.

SEC. 2. That the receivers of public money at the several land offices in this State, as established under the acts of Congress of the United States, in force previous to the 11th of January, 1861, be, and the same are hereby, instructed and required to retain all sums of money paid into their hands, as such receivers, previous to and since said 11th January, 1861, and to hold the same subject to the order of the Treasurer of the State. And the State of Alabama is hereby pledged to indemnify and save harmless such receivers of public money and their sureties on their official bond to the government of the United States for any loss or damage they may sustain by complying with this ordinance.

SEC. 3. That the registers of the several district land offices, and the receivers of public money for lands in said districts of this State are hereby removed and their offices vacated, and the duties heretofore required by law to be performed by the registers and receivers of the several land offices shall be performed by one person at each office, who shall be styled the register and receiver, and who shall be appointed by the Governor for such term as the General Assembly may by law provide, and all such officers, except in the land districts where said offices are herein abolished, are hereby appointed to their said several offices respectively for the unexpired period of their terms: *Provided*, They are willing to accept the same under the authority of the State of Alabama; but, on their refusal to accept the appointments as conferred, then the Governor of this State is hereby authorized to fill such vacancies for the unexpired period of said terms. And, upon the appointment of such registers and receivers as herein provided for, such appointees shall be required to enter into bond, with good and sufficient sureties, to be ap-

proved by the Judges of Probate of the counties in which their respective land offices are situated, in such sums as the Governor of this State may prescribe, conditioned for the faithful payment into the State treasury of all moneys which may be received by them upon the sale of the public lands, and for the faithful performance of all the duties which may be enjoined by law.

SEC. 4. That it shall be the duty of said registers and receivers to preserve all books, charts, maps, field-notes, patents and other muniments of title which may now be in the different land offices in this State, or which may be sent to and deposited in their offices, and hold the same at the sole disposition of the constituted authorities of the State; and, upon their resignation, removal, or the expiration of the terms of their offices, they shall turn over the same to the custody of their successors in office; and they shall be required to make monthly returns to the commissioner of public lands of all sales of public lands in their respective offices since the 11th day of January, 1861, and they shall pay over all moneys which may be received by them upon the sales of said lands, upon the order of the Treasurer of the State.

SEC. 5. That within ninety days from the passage of this ordinance, it shall be likewise the duty of the registers and receivers aforesaid to return to the Commissioner of public lands a full and complete statement, such as he shall require, of all the public lands within their respective districts, designating such as may have been relinquished to this State, under various acts of Congress of the United States, as swamp and overflowed lands, or donated for the use of schools and for the University of Alabama, or to aid in the construction of different rail roads, or for other purposes; and also such lands as were expressly reserved by the Government of the United States and undisposed of on the eleventh day of January, 1861.

SEC. 6. That there shall be established a department

of public lands, the office of which shall be fixed at the seat of government, and denominated the State Land Office, with a chief officer to conduct the business of the same, to be called the Commissioner of Public Lands, whose duty it shall be to superintend, execute and perform all acts and things touching and respecting the public lands of the State as hereinafter prescribed; and he shall appoint a draughtsman to be employed under his direction as an assistant in his said office in the performance of its duties, who shall receive an annual salary of twelve hundred dollars, payable quarterly; and, in all cases where the office of Commissioner shall become vacant, said assistant shall have charge and custody of the seal, and all the records, books and papers belonging to said office.

SEC. 7. The said Commissioner of public lands, and every clerk to be appointed and employed in his said office, shall, before he enters on the duties of his office, take an oath or affirmation truly and faithfully to execute the trust committed to him. And the said commissioner shall cause a seal of office to be made and provided for the said office, with such device as the Governor shall approve, and copies of any records, books or papers belonging to said office, certified under the seal of the said office, shall be competent evidence in all the courts of justice in this State, and in all cases in which the original records, books or papers could be evidence.

SEC. 8. That the statement of all the public lands required by the fifth section of this ordinance to be returned by the registers and receivers of the several district land offices in the State, to the Commissioner of public lands; and such other records, papers and books as shall or may be deposited in said office pursuant to the law shall become and be deemed the records, books and papers of the said office, and the same shall be under his custody and control.

SEC. 9. That all returns relative to the public lands of

the State, shall hereafter be made to the Commissioner of public lands, who shall have power to audit and settle all such accounts relative to the public lands; *Provided*, that it shall be the duty of said Commissioner, upon the settlement of any such account, to certify the balance and transmit the account with the vouchers and certificate to the Comptroller for his examination and decision thereon, whose decision shall be final.

SEC. 10. That said office of Commissioner of public lands hereby created shall first be filled by an election to be made by this convention, and that all subsequent elections to fill such office shall be made by the General Assembly of the State, and when a vacancy shall occur in said office in the recess of the Legislature, the Governor of the State shall fill the same, and the person so appointed shall hold his office until the end of the ensuing session of the General Assembly. That said Commissioner shall hold his office for the term of four years, and receive an annual salary of two thousand five hundred dollars, payable quarterly.

SEC. 11. That the Commissioner of public lands is hereby authorized and empowered to determine upon the principles of equity and justice, and according to the established rules of law, all cases of suspended entries under any law or ordinance of the United States in force on the 11th January, 1861, and then pending, or existing in the general land office of the United States, and relating to lands lying within this State, and to adjudge in what cases patents shall issue upon the same: *Provided*, That such adjudications shall be made within two years from the passage of this ordinance, and be approved by the Attorney-General of the State, and shall operate only to divest the State of the title to the land embraced by such entries.

SEC. 12. That the registers and receivers shall be chosen as follows, to-wit: They shall be nominated by the Commissioner of public lands and confirmed by the

Senate of the State, and shall hold their offices for the term of four years; but shall be removable from office, at the pleasure of the Governor, the Attorney-General and the Commissioner of public lands, who shall act jointly in making such removal, and vacancies thus created shall be filled by the Commissioner of public lands, and the appointee shall hold office until the end of the next session of the General Assembly. That the said registers and receivers shall receive an annual salary of five hundred dollars each, and a commission of one per centum on all the moneys expressed in the receipts by them filed and entered, and for which they shall have transmitted an account to the Commissioner of public lands: *Provided, always*, that the whole amount which any register and receiver of any land office shall receive under the provisions of this section shall not exceed for one year the sum of two thousand dollars.

SEC. 13. That it shall be lawful for the Commissioner of public lands to allow the several registers and receivers in the several land offices a reasonable compensation for transmitting to and depositing such moneys in any bank or other place of deposit that may, from time to time, be designated by the Treasurer of the State for that purpose, which compensation shall be regulated according to the actual labor, expense and risk of such transportation to the place of deposit and returning therefrom.

SEC. 14. The registers and receivers of the several land offices shall make to the treasurer of the State monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions; and they shall also make to the Commissioner of public lands like monthly returns, and transmit to him quarterly accounts current of the debits and credits of their several offices in the State.

SEC. 15. If any person shall apply to any register and receiver of any land office, to enter any land whatever, and the said register and receiver shall knowingly and

falsely inform the person so applying that the same has already been entered, and refuse to permit the person so applying to enter the same, such register and receiver shall be liable therefor to the person so applying to the amount of five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount, and shall be deemed guilty of a misdemeanor, and on conviction shall be fined in such sum as the jury may assess, not to exceed five thousand dollars, and may be imprisoned at the discretion of the court not exceeding six months.

SEC. 16. The register and receiver of any of the district land offices of the State shall be authorized, and it shall be the duty of said officer, to administer any oath or oaths which now are or hereafter may be required by law in connection with the entry or purchase of any tract of land; and if any person shall knowingly and wilfully swear falsely to any fact contained in any oath or affidavit so taken or made, he or she shall be deemed guilty, and held guilty of perjury, and shall, on conviction, suffer all the pains, penalties, and disabilities which attach to said crime in other cases of perjury under the laws of the State: *Provided*, that such officers shall not charge, or receive any compensation for administering such oaths.

SEC. 17. That no register and receiver of any land office or person employed in any such office shall, directly or indirectly, be concerned in the purchase of any public land subject to sale and entry in the land office, placed under his charge or in which he is an officer, and in case of violation of this provision by any such officer, proof thereof being made to the Commissioner of public lands, he shall be forthwith removed from office.

SEC. 18. That the boundaries and contents of the several sections, half sections and quarter sections of the public lands of this State, in any contest between the State of Alabama and purchasers therefrom which have

heretofore been run, determined and ascertained under the laws and regulations of the United States, while said lands were a part of the public domain of the said United States, are hereby recognized and established as the boundaries and proper contents thereof; and all the corners marked in the surveys of said United States shall be established as the proper corners of sections or sub-divisions of sections, which they were intended to designate; and the corners of half-quarter sections not marked on the said surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line. And that the boundary lines actually run and marked in the surveys shall be established as the proper boundary lines of the sections or sub-divisions for which they were intended, and the length of such lines as returned in said surveys shall be held as the true length thereof as between the State and such purchasers; and the boundary lines which shall not have been actually run and marked as aforesaid, shall be ascertained by running straight lines from the established corner to the opposite corresponding corner, but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained by running from the established corners north and south, or east and west lines, as the case may be, to the water-course or other external boundary of such fractional township, conforming to the mean variation of the established survey heretofore made by the United States.

Sec. 19. Every person being the head of a family, or a single man or woman, over the age of twenty-one years, or widow, and being a citizen of the State of Alabama, who, since the 11th day of January, 1861, has made or shall hereafter make a settlement in person on the public lands of the State, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register

and receiver of the land office in which such land may lie, by legal sub-divisions, any number of acres not exceeding one hundred and sixty, or a quarter section of of land, to include the residence of such claimant, upon paying to the State of Alabama the minimum price of such land, subject, however, to the following limitations and exceptions, viz: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the Confederate States, and no person who shall quit or abandon his residence on his own land, to reside on the public lands in this State, shall acquire any right of pre-emption under this act; no lands, or sections of land, reserved to the United States alternate to other sections, granted by said United States Government to this State for the construction of any canal, railroad or other public improvement; no sections, or fractions of sections, included within the limits of any corporated town; no portion of the public lands which has been selected as the cite for a sity or town, and no lands included in any reservation, by any treaty or laws of the United States, previous to the 11th January, 1861, or reserved in said laws for salines or for other purposes, or on which are situated any known salines, shall be liable to entry under and by virtue of the provisions of this section.

Sec, 20. When two or more persons have settled on the same quarter section of land, the right of pre-emption shall be in him or her who commenced or shall commence the first improvement: *Provided*, such person shall conform to the other provisions of this law, and all questions as to the right of pre-emption, arising between different settlers, shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Commissioner of public lands.

Sec. 21. Prior to any entries being made under the

provisions of this ordinance, (section nineteen) proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Commissioner of public lands, who shall be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid, and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 22. Before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath, before the register and receiver of the land district in which the land is situated, or before some other person authorized by the laws of this State to administer oaths, that he or she never had the benefit of any right of pre-emption under this act, that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the Confederate States, nor hath he or she settled upon and improved said lands to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not directly or indirectly made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the government of the State, should inure in whole or in part to the benefit of any person, except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she shall make, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void, and it shall be the duty of said district officer to file a certificate of said oath in his office, and to transmit a duplicate copy to the State land

office, either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 23. Whenever any person has settled or shall settle and improve any tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this law in regard to pre-emption, such person shall, in the first case, within three months, after the 11th of January, 1861, and, in the last case, within thirty days after the date of such settlement, file with the register of the proper district, a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act, and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made within the same period after the date of such settlement, make proof, affidavit and payment herein required, and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof and payment within twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 24. In any case where a party entitled to claim the benefits of this pre-emption law shall have died before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same: *Provided*, the entry in such cases shall be made in favor of "The heirs" of the deceased pre-emptor, and a patent thereon shall cause the title to inure to said heirs, as if their names had been specially mentioned.

SEC. 25. That the pre-emption laws of the State shall extend over the alternate reserved sections of public lands along the lines of all the rail roads in the State, wherever public lands have heretofore been granted by

acts of the Congress of the United States, and also wherever the State may hereafter grant lands to rail roads, and that it shall be the privilege of the persons residing on any of said reserved lands to pay for the same in soldier's bounty land warrants, owned by any citizen of this State on the 11th January, 1861, estimated at a dollar and twenty-five cents per acre, or in any funds receivable for State taxes, or both together, in preference to any other person, and the price to be paid in all such cases shall be two dollars and fifty cents per acre.

SEC. 26. That every settler on public lands which have been or may be withdrawn from market in consequence of proposed rail roads, and who had settled or shall settle thereon, prior to the time when the lines of such rail roads have been or may be definitely fixed, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them: *Provided*, they shall prove up their rights and pay for the land entered, according to the rules and regulations prescribed in other cases of pre-emption claimants.

SEC. 27. That every person making application at any of the district land offices in the State, for the purchase at private sale of a tract of land, shall produce to the register and receiver a memorandum in writing, describing the tract which he shall enter, by the number of the section, half section or quarter, (as the case may be,) and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

SEC. 28. That all the public lands of the State, the sale of which is authorized by law, may, when offered at private sale, be purchased at the option of the purchaser, either in entire sections, half sections, quarter sections, half quarter sections, or quarter quarter sections; and said lands shall be subject to sale at the following stated prices, to-wit: Such lands as were reserved by the United States on the 11th January, 1861, from sale, in conse-

quence of the same being in sections alternate to other sections granted by said government to this State, for the construction of any canal, rail road, or other internal improvement, and such lands as this State shall hereafter reserve for similar purposes, shall not be sold for less than two dollars and fifty cents per acre; all the other public lands shall be sold and entered at a price not less than one dollar and twenty-five cents per acre: *Provided*, that none of the lands reserved from sale to pre-emptors in section nineteen of this ordinance, shall be subject to entry, under this section, excepting those lying within six miles of rail roads, and known as the alternate even sections along said roads.

SEC. 29. That all the lands of the State, which shall have been in market, either under the laws of the United States or under the laws of this State, or under the laws of both taken together, for ten years and upwards prior to the time of application to enter the same under the provisions of this ordinance, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all the lands of the State that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all lands of the State that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all the lands of the State that shall have been in market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the State that shall have been in market for thirty years or more, shall be subject to sale at twelve and-a-half cents per acre: *Provided*, this section shall not be so construed as to extend to lands reserved from entry by pre-emptors, under section nineteen of this ordinance: *And provided further*, that no person shall be entitled, under the provisions of this section, to enter more than three hundred and twenty acres of land.

SEC. 30. Any person applying to enter any of the aforesaid lands, shall be required to make affidavit before the register and receiver of the proper land office, or some person authorized by law to administer oaths, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned or occupied by him or herself; and, together with said entry, he or she has not acquired from the United States, or from this State, under the provisions of the laws of the United States, or of this State, more than three hundred and twenty acres at the graduated price.

SEC. 31. That upon every reduction in price, under the provisions of this ordinance, the occupant and settler upon the lands shall have the right of pre-emption, at such graduated price, upon the same terms, conditions, restrictions and limitations upon which the public lands of the State are now subject to the right of pre-emption, until within thirty days preceding the next graduation or reduction that shall take place, and if not so purchased, shall again be subject to right of pre-emption for eleven months as before; and so on from time to time as reductions take place.

SEC. 32. All patents for lands hereafter entered under the provisions of this ordinance, or located under any warrant for bounty land, issued by the United States and owned by any citizen of Alabama on the 11th January, 1861, shall be issued in the name of the State of Alabama, and under the seal of the State land office, and be signed by the Governor of the State and countersigned by the Commissioner of public lands, and shall be recorded in the said office, in books to be kept for the purpose.

SEC. 33. That in all cases where patents for public lands may hereafter be issued in pursuance of this ordinance to a person who shall die before the date of such patent, the title to the land designated therein, shall inure to and become vested in the heirs, devisees, or assignees

of such deceased person, as if the patent had issued to the deceased person during life.

SEC. 34. In case of any claim to land in this State, which has heretofore been confirmed by law, and in which no provision was made by the confirmatory statute for the issue of patents, and in all cases where lands have been entered, or located under any land warrant previous to the secession of the State, and certificates of entry given to the purchasers, and no patents therefor have been issued to said purchaser previous to the passage of the ordinance of secession, it shall and may be lawful for patents to issue under the authority of this State, and as prescribed in this ordinance for the issuance of patents in other cases, and any entries made by purchasers at any of the land offices since the 11th day of January, 1861, are hereby ratified and confirmed, and the Commissioner of public lands is directed to issue patents for the same in the name of the State of Alabama, as in other cases.

SEC. 35. That all bounty land warrants issued by the Government of the United States to any citizen of this State, and held and owned by such citizen or his legal representatives, on the 11th day of January, 1861, may be located by such citizen, his heirs, executors or administrators, upon any land subject to private sale or entry under the laws and regulations in force in this State upon the subject of public lands after the passage of this ordinance.

SEC. 36. That every citizen of this State, whether male or female, who shall not, in his or her own right, be the owner of land, and who is at the same time the head of a family, shall be entitled to enter eighty acres of land free of all costs and charges, provided the applicant shall make affidavit before some qualified officer of such facts, and that he or she enters the said land for a homestead for himself or herself, and that he or she will proceed to improve and reside upon the same within twelve months next ensuing, which said land shall inure to the use and benefit of said applicant, and shall be ex-

empt from sale by execution or otherwise without the consent of the wife duly attested in writing before a magistrate.

SEC. 37. That as soon as practicable after the passage of this ordinance, the Governor of this State shall issue his proclamation declaring that the waste and unappropriated lands of the State shall, at the expiration of thirty days from the date thereof, be subject to sale or private entry at the several land offices in the State.

SEC. 38. Where an actual settler on the public lands has sought, or shall hereafter attempt, to locate the land settled on and improved by him with a military land warrant, and when, from any cause, an error has occurred in making said location, said settler may be authorized to relinquish the land so erroneously located and to locate such warrant upon the land so settled upon and improved by him if the same shall then be vacant, and if not, upon any other vacant land, on making proof of these facts to the satisfaction of the land officers according to such rules and regulations as may be prescribed by the Commissioner of public lands.

SEC. 39. That the Commissioner of public lands shall have power, and he is hereby required, to cause to be printed and distributed amongst the several land offices in the State all such blanks and forms as he may deem necessary to facilitate the entries of lands by purchasers, and to enable the land officers to keep accurate accounts and make prompt and correct returns of all sales in their respective offices; and said Commissioner is authorized to prescribe such rules and regulations for the entry and sale of lands, and the location of land warrants not herein provided for, as he may find necessary to expedite the business of the several land offices, and ensure the faithful and accurate performance of the duties of the registers and receivers thereof.

SEC. 40. Wherever the Commissioner of public lands shall be satisfied that the boundaries of the different land districts of the State, as established and recognized herein,

require to be changed, and different lines established for said district, so as to make the land offices more acceptable to the citizens of the State resident in said districts, he shall be authorized and required to issue his proclamation and publish the same in a newspaper printed at the seat of Government, and cause the same also to be posted at each land office to be affected thereby, at least sixty days before the proposed change, in which proclamation said Commissioner shall designate the proposed limits of the different land districts; and, at the expiration of said period, he shall fix and establish the boundaries as designated in said proclamation or establish such other lines as he shall think most advisable, of which he shall give public notice in a newspaper published at the seat of Government for sixty days, at the expiration of which time the boundary shall be as established by said Commissioner, and he shall cause a transfer of all books, papers, records, &c., necessary to conform to the new districts.

SEC. 41. When any mistake may be made by the purchaser of public lands entering a tract different from that he intended to purchase in consequence of any error existing in the land office or growing out of any information given by, or mistake of any register and receiver thereof, and when any mistake may be made by the purchaser of any tract of land not intended to be entered, by mistake of the true numbers of the tract intended to be purchased, where the tract thus erroneously entered does not in quantity exceed one-half section, and where the certificate of the original purchaser has not been assigned or his right in any way transferred, and where six months from the time the entry shall have been made may not have elapsed, or the patent issued for the tract erroneously entered, said purchaser in each of the above stated cases, or, in case of his death, his legal representatives may file his affidavit of the facts, and that every reasonable precaution had been used to avoid the error, and thereupon be entitled to change his entry and transfer the payment from the tract erroneously entered to that intended

to be entered if unsold, but if sold, to any other tract liable to entry, provided that nothing herein contained shall affect the rights of third persons.

SEC. 42. That every person trespassing on the public lands may be indicted and fined not less than ten dollars for each trespass by the circuit court of the county in which the trespass may be committed.

Adopted, March 20, 1861.

No. 48.] AN ORDINANCE

In relation to the Greenville Land Office.

SEC. 1. *Be it ordained by the people of Alabama in Convention assembled,* That the register and receiver of the land office at Greenville be authorized to obtain for the use of said offices copies of all patents, and of all books, maps and other papers of said offices recently burned, as far as in their power to supply every paper, document, map, book, &c., thus destroyed; and the expense of all said matters shall be allowed in their accounts on settlement with the authorities of this State.

Adopted, March 20, 1861.

No. 49.] AN ORDINANCE

In relation to Forfeited Lands.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That certificates of registers of the late United States land office for money paid on land forfeited shall be receivable in payment for any of the public lands of this State subject to private entry, as so much money, in pursuance and in accordance with an

act of Congress of United States of the 23d day of May, 1828, "entitled an act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money:" *Provided*, such forfeiture was on lands comprised within the present boundaries of the State of Alabama, and the parties forfeiting and now claiming were, and are now resident citizens of this State.

Adopted, March 20, 1861.

No. 50.] AN ORDINANCE

To authorize and direct the Governor to rescind a contract therein referred to.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That the Governor of the State be authorized, and he is hereby required to rescind a contract heretofore entered into by him, on the part of the State, with James R. Powell, S. S. Houston, and others, for the purpose of selecting and locating certain lands designated in the acts of Congress of 28th September, 1850, and 3d March, 1857, as swamp and overflowed lands, and that he is authorized to settle with them for such services as they have already rendered the State, upon just and reasonable terms: *Provided*, that the consent of said Commissioners to the rescission of said contract shall be first had and obtained.

SEC. 2. *Be it further ordained*, That all land selected by the said Commissioners as swamp and overflowed lands, but for which no patents were issued by the United States to this State, are hereby declared to be public lands of the State, and subject to disposal under the laws prescribed for the sale and disposal of other public lands of the State.

Adopted, March 20, 1861.

THE CONSTITUTION OF THE STATE OF ALABAMA,

REVISED BY ORDER OF THE CONVENTION OF THE PEOPLE, ASSEMBLED AT MONTGOMERY ON THE SEVENTH DAY OF JANUARY, A. D. 1861.

We, the People of the State of Alabama, having separated ourselves from the Government known as the United States of America, and being now by our representatives in Convention assembled, and acting in our sovereign and independent character; in order to establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish the following Constitution and form of Government for the State of Alabama: And the boundaries of this State are established to be: Beginning where the thirty-first degree of North latitude crosses the Perdido river; thence East, to the boundary line of the State of Georgia; thence along said line to the Southern boundary of the State of Tennessee; thence West, along the Southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the North-west corner of Washington county in this State, as originally formed; thence Southerly along the line of Mississippi to the Gulf of Mexico; thence Eastwardly, including all Islands within six leagues of the shore, to the Perdido river; and thence up the same to the beginning.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

All freemen are equal.

SECTION 1. That all freemen, when they form a social compact, are equal in rights; and that no man or set of men are entitled to exclusive, separate public emoluments or privileges, but in consideration of public services.

Political power in the people.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and, therefore, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

Rights of conscience not to be interfered with.

SEC. 3. No person within this State shall, upon any pretence, be deprived of the inestimable privilege of worshiping God in the manner most agreeable to his own conscience; nor be compelled to attend any place of worship; nor shall any one ever be obliged to pay any tithes, taxes or other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry.

SEC. 4. No human authority ought, in any case whatever, to control or interfere with the rights of conscience.

No person molested.

SEC. 5. No person shall be hurt, molested or restrained in his religious profession, sentiments or persuasions, provided he does not disturb others in their religious worship.

SEC. 6. The civil rights, privileges, or capacities of any citizen, shall in no way be diminished, or enlarged, on account of his religious principles. Civil rights not affected by religious belief.

SEC. 7. There shall be no establishment of religion by law; no preference shall ever be given by law to any religious sect, society, denomination, or mode of worship; and no religious test shall ever be required as a qualification to any office or public trust under this State. No established religion or religious test.

SEC. 8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty. Freedom of speech, &c.

SEC. 9. The people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation. Searches.

SEC. 10. In all criminal prosecutions, the accused has a right to be heard by himself and counsel; to demand the nature and cause of the accusation, and have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and, in all prosecutions, by indictment or information, a speedy public trial by an impartial jury of the county or district in which the offense shall have been committed: he shall not be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law. Rights of accused in criminal cases.

No person accused, &c., except by law.

SEC. 11. No person shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished, but in virtue of a law, established and promulgated prior to the offense, and legally applied.

Indictable offenses, how proceeded against.

SEC. 12. No person shall, for any indictable offense, be proceeded against criminally by information; except in cases arising in the land and naval forces, or the militia when in actual service, or by leave of the court, for oppression or misdemeanor in office.

No person twice tried for same offense.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use, unless just compensation be made therefor.

Courts to be open, &c.

SEC. 14. All courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Laws not suspended but by General Assembly.

SEC. 15. No power of suspending laws shall be exercised, except by the general assembly, or its authority.

Of bail and fines.

SEC. 16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Bailable offenses.

SEC. 17. All persons shall, before conviction, be bailable by sufficient securities, except for cap-

ital offenses, when the proof is evident, or the presumption great; and the privilege of the writ of "habeas corpus" shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety may require it.

Debtors when discharged.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

No *ex post facto* law.

SEC. 19. No *ex post facto* law, nor law impairing the obligation of contracts shall be made.

No attaints

SEC. 20. No person shall be attainted of treason or felony by the general assembly. No attainder shall work corruption of blood, nor forfeiture of estate.

No forfeiture from suicide.

SEC. 21. The estates of suicides shall descend or vest as in cases of natural death; if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Assembly of citizens.

SEC. 22. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

May bear arms.

SEC. 23. Every citizen has a right to bear arms in defense of himself and the State.

Standing army, &c.

SEC. 24. No standing army shall be kept up without the consent of the general assembly; and,

in that case, no appropriation of money for its support shall be for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Quartering troops.

SEC. 25. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

No titles of nobility.

SEC. 26. No title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted or conferred in this State; nor shall any office be created, the appointment of which shall be for a longer term than during good behavior.

Emigration.

SEC. 27. Emigration from this State shall not be prohibited, nor shall any citizen be exiled.

Trial by Jury.

SEC. 28. The right of trial by jury shall remain inviolate.

Right of prosecuting, &c.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this State, by him or herself, or counsel.

Enumeration of rights.

SEC. 30. This enumeration of certain rights shall not be construed to deny or disparage others retained by the people: and to guard against any encroachments on the rights herein retained, or any transgression of any of the high powers herein delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and

that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

DISTRIBUTION OF POWERS.

Three distinct departments.

SEC. 1. The powers of the government of the State of Alabama shall be divided into three distinct departments; and each of them confided to a separate body of magistracy, to-wit: those which are legislative to one; those which are executive, to another; and those which are judicial to another.

Independent of each other.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Two branches.

SEC. 1. The legislative power of this State shall be vested in two distinct branches; the one to be styled the Senate, the other the House of Representatives, and both together "The General Assembly of the State of Alabama;" and the style of their laws shall be, "Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened."

Style of laws.

Members of the House, how chosen.

SEC. 2. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the

day of the commencement of the general election, and no longer.

When chosen.

SEC. 3. The representatives shall be chosen every two years, on the first Monday in August, until otherwise directed by law.

Qualifications.

SEC. 4. No person shall be a representative, unless he be a white man, a citizen of the State of Alabama, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof, a resident of the county, city, or town, for which he shall be chosen, and shall have attained the age of twenty-one years.

Qualifications of electors.

SEC. 5. Every male white person of the age of twenty-one years, or upwards, who shall be a citizen of this State, and shall have resided therein one year next preceding an election, and the last three months within a county, city, or town, in which he offers to vote, shall be deemed a qualified elector, but no elector shall be entitled to vote except in the county, city, or town, (entitled to separate representation) in which he may reside at the time of the election.

Electors' privileges.

SEC. 6. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Elections by ballot.

SEC. 7. In all elections by the people, the electors shall vote by ballot, until the general assembly shall otherwise direct.

SEC. 8. Elections for representatives for the several counties shall be held at the place of holding their respective courts, and at such other places as may be prescribed by law: *Provided*, That when it shall appear to the general assembly, that any city or town shall have a number of white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of white inhabitants therein; which shall be retained so long as such city or town shall contain a number of white inhabitants, equal to the ratio which may from time to time be fixed by law; and thereafter, and during the existence of the right of separate representation, in such city or town, elections for the county in which such city or town (entitled to such separate representation) is situated, shall not be held in such city or town: but it is understood, and hereby declared, that no city or town shall be entitled to separate representation, unless the number of white inhabitants in the county in which such city or town is situated, residing out of the limits of such city or town, be equal to the existing ratio; or unless the residuum or fraction of such city or town shall, when added to the white inhabitants of the county, residing out of the limits of said city or town, be equal to the ratio fixed by law for one representative; *and, provided*, that, if the residuum or fraction of any city or town, entitled to separate representation, shall, when added to the residuum of the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town, having the largest residuum, shall be entitled to such representation: *and, provided, also*, that where there are two or more counties adjoining, which have residuums or fractions over and above the

Elections, where held.

Separate representation of cities or towns.

Residuum, how disposed of.

Proviso.

ratio then fixed by law, if said residuums or fractions, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Ratio of representation.

SEC. 9. The General Assembly shall cause an enumeration to be made in the year eighteen hundred and fifty, and eighteen hundred and fifty-five, and every ten years thereafter, of all the white inhabitants of this State; and the whole number of representatives shall, at the first regular session after such enumeration, be apportioned among the several counties, cities, or towns, entitled to separate representation, according to their respective number of white inhabitants, and the said apportionment, when made, shall not be subject to alteration until after the next census shall be taken.

Number of Senators.

SEC. 10. The general assembly shall, at the first session after making every such enumeration, fix by law the whole number of senators, and shall divide the State into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one senator, and no more: *Provided*, that the whole number of senators shall never be less than one-fourth, nor never more than one-third, of the whole number of representatives.

Senatorial districts.

SEC. 11. When a senatorial district shall be composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

Senators, how chosen.

SEC. 12. Senators shall be chosen by the qualified electors, for the term of four years, at the same time, and in the same manner, and at the places where they may vote for members of the House of Representatives; and no person shall be a senator, unless he be a white man, a citizen of the State, and an inhabitant thereof two years next preceding his election, and the last year thereof, a resident of the district for which he shall be chosen; and shall have attained to the age of twenty-seven years.

Qualifications for Senator.

Period of service.

SEC. 13. Senators shall be chosen for the term of four years; yet, at the general election after every new apportionment, elections shall be held anew in every senatorial district; and the senators elected, when convened at the first session, shall be divided by lot into two classes, as nearly equal as may be: the seats of those of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, dating in both cases from the day of election, so that one half may be biennially chosen, except as above provided.

Division into classes.

Officers of the House and Senate.

SEC. 14. The House of Representatives, when assembled, shall choose a speaker, and its other officers; and the Senate shall choose a President and its other officers, biennially: each house shall judge of the qualifications, elections and returns of its own members; but a contested election shall be determined in such manner as shall be directed by law.

Contested elections.

Quorum.

SEC. 15. A majority of each house constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel

Absent members. the attendance of absent members, in such manner and under such penalties, as each house may provide.

Rules. SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

Punishment for contempt. SEC. 17. Each house, during the session, may punish by imprisonment, any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceed, ings: *Provided*, that such imprisonment shall not at any one time, exceed forty-eight hours.

Journal of proceedings. SEC. 18. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either

Yeas and nays. house, on any question, shall at the desire of one tenth of the members present, be entered on the journals. Any member of either house shall have liberty to dissent from, or protest against, any act or resolution, which he may think injurious to the

Protest. public or an individual, and have the reasons of his dissent entered on the journals.

Privileged from arrest, &c. SEC. 19. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; allowing one day

for every twenty miles such member may reside from the place at which the General Assembly is convened; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere.

Vacancies, how filled.

SEC. 20. When vacancies happen in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

Doors kept open, except when.

SEC. 21. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

Adjournment by consent.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Bills, how to originate, &c.

SEC. 23. Bills may originate in either house, and be amended, altered, or rejected, by the other; but no bill shall have the force of a law, until on three several days it be read in each house; and free discussion be allowed thereon; unless, in case of urgency, four-fifths of the house, in which the bill shall be depending, may deem it expedient to dispense with this rule: and every bill, having passed both houses, shall be signed by the Speaker and President of their respective houses: *Provided*, that all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Compensation of members.

SEC. 24. Each member of the General Assembly shall receive from the public treasury, such

compensation for his services, as may be fixed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

Members not eligible to office.

SEC. 25. No Senator or Representative shall during the term for which he shall have been elected, be appointed to any civil office of profit under this State; except such offices as may be filled by elections by the people.

Eligibility.

SEC. 26. No person holding any lucrative office under this State, or any other power, the office of Postmaster, offices in the militia to which there is attached no annual salary, justices of the peace, commissioners of the Court of County Commissioners, notary public, and commissioner of deeds excepted, shall be eligible to the General Assembly of this State.

Public defaulters disqualified.

SEC. 27. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

Legislature shall meet.

SEC. 28. The General Assembly shall meet annually, on such day as may be provided by law, and may continue in session not more than thirty days. The next session of the General Assembly shall commence on the second Monday in November, eighteen hundred and sixty-one.

Special legislation.

SEC. 29. No special law shall be enacted for the benefit of individuals or private corporations,

in cases which are provided for by a general law, or where the relief sought, can be given by any court of this State.

Private property not to be taken for private use.

SEC. 30. Private property shall not be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; but the right of way may be secured by law, to persons and corporations, over the lands of persons and corporations; also, the right to establish depots, stations and turn-outs to works of public improvement: *Provided*, just compensation is made to the owner of such land. Exception.

Power to levy taxes restricted.

SEC. 31. No power to levy taxes shall be delegated to individuals or private corporations.

Levy of taxes.

SEC. 32. Taxes shall not be levied for the benefit of individuals or corporations, other than municipal corporations, without the consent of the tax-payer; but this section shall not be so construed as to effect the power of the General Assembly to perfect or secure any right or privilege arising under any existing law of this State; and no right or privilege arising under any existing law of this State, shall be affected by this section.

SEC. 33. The General Assembly shall not borrow or raise money on the credit of the State, except for purposes of military defense against actual or threatened invasion, rebellion, or insurrection, unless two-thirds of the members elected to each house, shall concur; nor, shall the debts or liabilities of any corporation, person or persons, or other State be guaranteed; or any money, credit or thing loaned, or given away, unless by a

like concurrence of each house, voting, in cases provided for in this section, by *ayes* and *nays* to be placed upon the journals.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Vested in a Governor.

SEC. 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Alabama.

Governor, how elected.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places when they shall respectively vote for Representatives.

Returns, how made.

SEC. 3. The returns of every election for Governor, shall be sealed up, and transmitted to the seat of government, directed to the speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of both houses. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Votes, how counted.

Plurality to elect.

Tie.

Contested elections.

Term of office.

SEC. 4. The Governor shall hold his office for the term of two years, from the time of his installation, and until his successor shall be qualified; but shall not be elegible for more than four years in any term of six years; he shall be at least thir-

ty years of age, shall be a citizen of the State of Alabama, and native of one of the States or Territories, lately styled the United States of America. Eligibility.

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected. Compensation.

SEC. 6. He shall be commander-in-chief of the army and navy of this State, except when acting with any other power, in which case, the General Assembly shall fix his rank. Commander-in-chief.

SEC. 7. He may require information in writing from the officers of the executive department, on any subject relating to the duties of their respective offices. May require information of executive officers.

SEC. 8. He may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the General Assembly. Convening and adjourning General Assembly.

SEC. 9. He shall, from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration such measures as he may deem expedient. Give information to General Assembly.

Execution of laws.

SEC. 10. He shall take care that the laws be faithfully executed.

His powers in criminal cases.

SEC. 11. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by, and with the advice and consent of the Senate, to grant reprieves and pardons; and he may in the recess of the Senate, respite the sentence until the end of the next session of the General Assembly.

Seal.

SEC. 12. There shall be a Seal of this State, which shall be kept by the Governor, and used by him officially.

Commissions.

SEC. 13. All commissions shall be in the name, and by the authority of the State of Alabama, be sealed with the State Seal, signed by the Governor, and attested by the Secretary of State.

Secretary of State, his appointment and duties.

SEC. 14. There shall be a Secretary of State, appointed by a joint vote of both houses of the General Assembly, who shall continue in office during the term of two years. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly; and shall perform such other duties as may be required of him by law.

Vacancies, how filled.

SEC. 15. Vacancies that may happen in offices, the appointment of which is vested in the General Assembly, shall be filled by the Governor, during

the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

Governor's powers and duty in relation to bills.

SEC. 16. Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by a majority of the whole number elected to that house, it shall become a law: but in such cases, the votes of both houses shall be determined by *yeas* and *nays*, and the names of the members voting for or against the bill shall be entered on the journals of each house respectively: if any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

Joint resolutions to be passed as Bills.

SEC. 17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

Proceedings on impeachment, &c., of Governor.

SEC. 18. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, until the time, pointed out by this Constitution for the election of Governor, shall arrive, unless the General Assembly shall provide by law for the election of a Governor to fill such vacancy, or until the Governor absent or impeached, shall return or be acquitted.

Who is to administer the government.

SEC. 19. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the House of Representatives, shall, in like manner, administer the government. If there is no President of the Senate, or no Speaker of the House of Representatives, the Secretary of State shall exercise all the duties and powers appertaining to the office of Governor, until the office of Governor is filled, as provided by this Constitution.

Compensation.

SEC. 20. The President of the Senate and Speaker of the House of Representatives, and the Secretary of State, during the times they respectively administer the government, shall receive the same compensation which the Governor would have received, had he been employed in the duties of his office.

Governor, where to reside.

SEC. 21. The Governor shall always reside during the session of the General Assembly, at the place where their session may be held, and at all

other times, wherever, in their opinion, public good may require.

Governor not to hold any office.

SEC. 22. No person shall hold the office of Governor, and any other office or commission, civil or military, either in this State, or under any State, or any other power, at one and the same time.

Treasurer and Comptroller.

SEC. 23. A State Treasurer and a Comptroller of public accounts, shall be biennially elected by joint vote of both houses of the General Assembly.

Sheriff, how elected; term of service and qualification.

SEC. 24. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and who shall not be eligible to serve either as principal or deputy, for the three succeeding years. Should a vacancy occur subsequent to an election, it shall be filled by the Governor, as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the sheriff then elected shall continue in office for three years.

Vacancies, how filled.

MILITIA.

Militia, how organized.

SEC. 1. The General Assembly shall provide by law for organizing and disciplining the militia of this State.

Who excused.

SEC. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Governor may call forth.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

Officers, how elected.

SEC. 4. All officers of the militia shall be elected or appointed in such manner as may be prescribed by law: *Provided*, that the General Assembly shall not make any such elections or appointments, other than those of adjutants-general, and quarter-masters general.

Proviso.

Aids, &c., how appointed.

SEC. 5. The Governor shall appoint his aids-de-camp; majors general, their aids-de-camp, and all division and staff officers; brigadiers general shall appoint their aids, and all other brigade staff officers; and colonels shall appoint their regimental staff officers.

General Assembly to divide militia, and fix rank of Staff.

SEC. 6. The General Assembly shall fix, by law, the method of dividing the militia into divisions, brigades, regiments, battalions, and companies; and shall fix the rank of all staff officers.

ARTICLE V.

JUDICIAL DEPARTMENT.

Judicial power, where vested.

SEC. 1. The judicial power of this State shall be vested in one Supreme Court, Circuit Courts to be held in each county in the State, and such inferior courts of law and equity, to consist of not more than five members, as the General Assembly may, from time to time, direct, ordain and establish.

Powers of the Supreme Court.

SEC. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall

have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time, be prescribed by law: *Provided*, that the Supreme Court shall have power to issue writs of *injunction*, *mandamus*, *quo warranto*, *habeas corpus*, and such other remedial and original writs as may be necessary to give it a general superintendance and control of inferior jurisdictions.

Supreme Court, where holden.

SEC. 3. The Supreme Court shall be holden at the seat of government, but may adjourn to a different place, if that shall have become dangerous from an enemy or from disease.

State to be divided into circuits.

SEC. 4. The State shall be divided into convenient circuits, and each circuit shall contain not less than three, nor more than six counties; and for each circuit there shall be appointed a Judge, who shall, after his appointment, reside in the circuit for which he may be appointed.

Jurisdiction of Circuit Courts.

SEC. 5. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within this State, not otherwise excepted in this Constitution; but in civil cases, only where the matter or sum in controversy exceeds fifty dollars.

When held.

SEC. 6. A Circuit Court shall be held in each county in the State, at least twice in every year, and the judges of the several Circuit Courts may hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

SEC. 7. The General Assembly shall have

power to establish a Court or Courts of Chancery, with original and appellate equity jurisdiction; *Provided*, that the judges of the several circuit courts shall have power to issue writs of injunction, returnable into the Courts of Chancery.

Chancery Courts, how established.

Courts of Probate established.

SEC. 8. The General Assembly shall have power to establish, in each county within this State, a Court of Probate, for the granting of letters testamentary, and of administration, and for orphans' business.

Justices of Peace, their jurisdiction.

SEC. 9. A competent number of Justices of the Peace shall be appointed in and for each county, in such mode and for such term of office as the General Assembly may direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars; and in all cases tried by a Justice of the Peace, right of appeal shall be secured, under such rules and regulations as may be prescribed by law.

Compensation of Judges.

SEC. 10. Judges of the Supreme and Circuit Courts, and Courts of Chancery, shall, at stated times, receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, or any other power.

SEC. 11. Chancellors and Judges of the Supreme Court shall be elected by joint vote of both houses of the General Assembly; but at and after the session of the General Assembly, to be held in the winter of the year eighteen hundred

and forty-nine–fifty, the General Assembly shall provide by law for the election of judges of the circuit Courts, by the qualified electors of their circuits respectively, and for the election of Judges of the Courts of Probate, and other inferior courts, (not including Chancellors,) by the qualified electors of the counties, cities, or districts, for which such courts may be respectively established; the first Monday in November in any year shall be the day for any election of such judges by the people, or such other day not to be within a less period than two months of the general election for Governor, members of the General Assembly, or members of Congress, as the General Assembly may by law prescribe; but no change to be made in any circuit, or district, or in the mode or time of electing, shall affect the right of any Judge to hold office during the term prescribed by the Constitution, except at the first elections thereof, to be made by the people, after the ratification of these amendments or either of them, which elections shall then, all be had on the same day throughout the State, and the terms of the Judges then to be elected, shall commence on that day; vacancies in the office of Judge, shall be filled by the Governor, and the persons appointed thereto by him, shall hold until the next first Monday in November, or other election day of Judges, and until the election and qualification of their successors respectively; and the General Assembly have power to annex to the offices of any of the Judges of the inferior courts the duties of clerks of such courts respectively.

Sec. 12. The Judges of the several courts of this State, shall hold their offices for the term of six years; and for wilful neglect of duty, or other

reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of each house of the General Assembly; *Provided*, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house; *And provided, further*, That the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defense, before any vote for such address shall pass; and in all such cases the vote shall be taken by *yeas* and *nays*, and entered on the journal of each house, respectively; *And provided, also*, That the Judges now in office may hold their offices until the session of the General Assembly, which shall be held in the year one thousand eight hundred and thirty-three, and until their successors shall be elected and qualified, unless removed by address or impeachment.

Trial of Judges.

Age disqualifies.

SEC. 13. No person who shall have arrived at the age of seventy years shall be appointed to, or continue in, the office of Judge in this State.

Clerks of Courts, how elected.

Term of service.

Vacancies, how filled.

Proviso.

SEC. 14. Clerks of the Circuit and Inferior Courts in this State, shall be elected by the qualified electors in each county, for the term of four years, and may be removed from office for such causes and in such manner as may be prescribed by law; and should a vacancy occur, subsequent to an election, it shall be filled by the Judge or Judges of the court in which such vacancy exists; and the person so appointed shall hold his office until the next general election; *Provided*, however, that after the year one thousand eight hundred and twenty-six, the General Assembly may pre-

scribe a different mode of appointment, but shall not make such appointment.

Conservators of the Peace.

SEC. 15. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; as also the Judges of the Circuit Courts in their respective districts, and Judges of the inferior courts in their respective counties.

Style of process.

SEC. 16. The style of all process shall be "The State of Alabama," and all prosecutions shall be carried on in the name, and by the authority of the State of Alabama, and shall conclude, "against the peace and dignity of the same."

Attorney General and solicitors.

Term of service and compensation.

SEC. 17. There shall be an Attorney General for the State, and as many solicitors as the General Assembly may deem necessary, to be elected by a joint vote thereof, who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

IMPEACHMENTS.

Who to impeach.

SEC. 1. The House of Representatives shall have the sole power of impeaching.

How tried.

To take an oath.

How convicted.

SEC. 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall

Who liable to impeachment. To what extent.

be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and to disqualification to hold any office of honor, trust or profit under the State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law.

ARTICLE VI.

GENERAL PROVISIONS.

Oath of office.

SEC. 1. The members of the General Assembly, and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit: "I do solemnly swear [or affirm, as the case may be] that I will support the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities, the duties of according to law, so help me God!"

Treason defined. How convicted.

SEC. 2. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Duelling.

SEC. 3. The General Assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office, or the tenure thereof, as they may deem expedient.

Bribery.

SEC. 4. Every person shall be disqualified from

holding any office or place of honor or profit, under the authority of the State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Disqualifying laws.

SEC. 5. Laws shall be made to exclude from office, from suffrage, and from serving as jurors, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes, or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or improper conduct.

Free suffrage secured.

Elections by General Assembly.

SEC. 6. In all elections by the General Assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the journals.

Public money.

SEC. 7. No money shall be drawn from the treasury, but in consequence of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually.

Treasurer to make report.

Lands taxed.

SEC. 8. All lands liable to taxation in this State, shall be taxed in proportion to their value.

State may be sued.

SEC. 9. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

Deductions from salary for neglect of duty.

SEC. 10. It shall be the duty of the General Assembly to regulate, by law, the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deduction.

SEC. 11. Temporary absence from this State, shall not cause a forfeiture of a residence once obtained.

Disqualification.

SEC. 12. No member or delegate to any Congress of other States or powers, nor persons holding any office of profit or trust under any foreign power, shall hold or exercise any office of profit under this State: *Provided*, that this section does not apply to any deputy, delegate or commissioner elected by this convention.

Proviso.

Divorces.

SEC. 13. Divorces from the bonds of Matrimony shall not be granted, but in cases provided for by law by suit in chancery. But decrees for divorce shall be final, unless appealed from within three months from the date of the enrollment thereof.

Libels, how tried.

SEC. 14. In prosecutions for the publishing of papers investigating the official conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right to determine the law and the facts under the direction of the courts.

Election returns.

SEC 15. Returns of all elections for officers who are to be commissioned by the Governor, and for members of the General Assembly, shall be made to the Secretary of State.

SEC. 16. The General Assembly may, by a vote of two-thirds of both branches thereof, arrange and designate boundaries for the several counties of this State, which shall not be altered,

except by a like vote of the General Assembly. But no new county shall be hereafter formed of less extent than nine hundred square miles, nor shall it contain, at the time, less than one hundredth part of the population of the State, and no existing county shall be hereafter reduced below such area or population by the formation of a new county.

Arbitrations

SEC. 17. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that summary mode of adjustment.

Penal code.

SEC. 18. It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal code, founded on principles of reformation.

Digest laws.

SEC. 19. Within five years after the adoption of this Constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated, in such manner as the General Assembly may direct: and a like revision, digest, and promulgation, shall be made within every subsequent period of ten years.

Internal improvement.

SEC. 20. The General Assembly shall make provisions by law for obtaining correct knowledge of the several objects proper for improvement in relation to the navigable waters, and to the roads in this State, and for making a systematic and economical application of the means appropriated to those objects.

SEC. 21. In the event of the annexation of any foreign territory to this State, laws may be passed, extending to the inhabitants of such territory, all the rights and privileges which may be required by the terms of such acquisition: anything in this constitution to the contrary notwithstanding.

EDUCATION.

Schools, and the means of education, shall forever be encouraged in this State; and the General Assembly shall take measures to preserve, from unnecessary waste or damage, such lands as have been granted by the United States for the use of schools, within each township in this State, and apply the funds, which may be raised from such lands, in strict conformity to the object of such grant. The General Assembly shall take like measures for the improvement of such lands as have been granted by the United States to this State, for the support of a seminary of learning, and the moneys which may be raised from such lands, by rent, lease, or sale, or from any other quarter, for the purpose aforesaid, shall be and remain a fund for the exclusive support of a State University, for the promotion of the arts, literature and the sciences; and it shall be the duty of the General Assembly, as early as may be, to provide effectual means for the improvement and permanent security of the funds and endowments of such institution.

To be encouraged.

State University.

BANKING.

SECTION 1. No bank shall be established, nor

bank charter renewed under the authority of this State, without the concurrence of two-thirds of each house of the General Assembly.

SEC. 2. Not more than one bank shall be established, nor bank charter renewed at any one session of the General Assembly, nor shall any bank be established, or bank charter renewed, but in conformity with the following rules.

1. The stockholders shall be liable respectively for the debts of the bank in proportion to their stock holden therein. Rule.

2. The remedy for collecting debts shall be reciprocal for and against the bank. Rule.

3. No bank shall commence operations until half of the capital stock subscribed for be actually paid in gold or silver, which amount shall, in no case, be less than one hundred thousand dollars. Rule.

4. Should any bank neglect or refuse to pay on demand any bill, note or obligation, issued by the corporation, according to the promise therein expressed, the holder of any such note, bill, or obligation shall be entitled to receive and recover interest thereon until the same shall be paid, or specie payments are resumed by said bank, at the rate of twelve per cent. per annum from the date of such demand, unless the General Assembly shall sanction such suspension of specie payments by a vote of two-thirds of each house of the General Assembly. Rule.

5. Whenever any bank suspends specie payments, the charter is thereby forfeited, unless such Rule.

suspension is legalized, as is provided by the preceding rule at the then next ensuing session of the General Assembly after such suspension.

SLAVERY.

SECTION 1. No slave in this State shall be emancipated by any act done to take effect in this State, or any other country.

SEC. 2. The humane treatment of slaves shall be secured by law.

SEC. 3. Laws may be enacted to prohibit the introduction into this State, of slaves who have committed high crimes in other States or territories, and to regulate or prevent the introduction of slaves into this State as merchandise.

SEC. 4. In the prosecution of slaves for crimes, of a higher grade than petit larceny, the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 5. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offense had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.

EXPLANATORY PROVISIONS.

PART I.

RELATING TO THE CHANGE FROM THE TERRITORIAL TO THE STATE FORM OF GOVERNMENT.

SEC. 1. That no inconvenience may arise from a change of territorial to a permanent State gov-

ernment, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals, as of bodies corporate, shall continue as if no such change had taken place; and all process, which shall, before the third Monday in September next, be issued in the name of the Alabama territory, shall be as valid as if issued in the name of the State. Relating to rights, actions, &c.

SEC. 2. All fines, penalties, forfeitures, and escheats, accruing to the Alabama territory, shall accrue to the use of the State. Fines, penalties, &c.

SEC. 3. The validity of all bonds and recognizances, executed to the Governor of the Alabama territory, shall not be impaired by the change of government, but may be sued for and recovered in the name of the Governor of the State of Alabama, and his successors in office; and all criminal and penal actions, arising or now depending within the limits of this State, shall be prosecuted to judgment and execution in the name of said State, all causes of action arising to individuals, and all suits at law or in equity, now depending in the several courts, within the limits of this State, and not already barred by law, may be commenced in, or transferred to, such courts as may have jurisdiction thereof. Validity of bonds, &c. not impaired.

SEC. 4. All officers, civil or military, now holding commissions under the authority of the United States, or of the Alabama territory, within this State, shall continue to hold and exercise their respective offices under the authority of this State, until they shall be superseded under the authority of this Constitution, and shall receive from the treasury of this State, the same compensation which they heretofore received, in propor- Territorial officers.

tion to the time they shall be so employed. The Governor shall have power to fill vacancies by commissions, to expire so soon as elections or appointments can be made to such offices, by authority of this Constitution.

Governor to fill vacancies.

SEC. 5. All laws and parts of laws, now in force in the Alabama territory, which are not repugnant to the provisions of this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered, or repealed, by the Legislature thereof.

Territorial laws to continue in force.

PART II.

RELATING TO THE SECESSION OF THE STATE OF ALABAMA FROM THE GOVERNMENT OF THE UNITED STATES.

CHAPTER I.

Secession from United States.

SEC. 1. *Be it declared and ordained by the people of the State of Alabama in Convention assembled,* That the State of Alabama now withdraws, and is hereby withdrawn from the Union known as "the United States of America," and henceforth ceases to be one of said United States, and is, and of right ought to be a *Sovereign* and *Independent State.*

SEC. 2. *Be it further declared and ordained by the people of the State of Alabama in Convention assembled,* That all the powers over the territory of said State, and over the people thereof, heretofore delegated to the government of the United States of America, be, and they are hereby withdrawn from said government, and are hereby resumed and vested in the people of the State of Alabama.

SEC. 3. *Be it ordained by the people of Alabama in Convention Assembled,* That the Constitution framed and adopted on the 11th day of March, 1861, by the Deputies from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, in convention assembled, at Montgomery, Alabama, be, and the same is hereby APPROVED, RATIFIED and ADOPTED, as the Federal Constitution for the people of Alabama. Ratification of the Constitution of Confederate States.

CHAPTER II.

SEC. 1. No law enacted by the authority of the State of Alabama, in force on the 11th day of January, A. D., 1861, and consistent with the Constitution of this State, and not inconsistent with the ordinances of this Convention, is affected by the ordinance known as the Ordinance of Secession, adopted on said day, and entitled "An Ordinance to dissolve the Union between the State of Alabama and other States, united under the compact styled the Constitution of the United States." No law affected by Ordinance of Secession.

SEC. 2. No office, civil or military, created by this State, or under the authority of its laws, in force on the eleventh day of January, A. D., 1861, and no officer lawfully exercising the powers or duties of such office, is affected by said Ordinance of Secession, except the offices of the members of the House of Representatives, and of the Senators of the Congress of the United States of America, and these are abrogated. No office or officer affected by Secession. Exception.

SEC. 3. No offense against the laws of this State, committed before or since the adoption of said Ordinance of Secession, is affected by said ordinance, and no offender against said laws, is relieved or discharged from the consequences of Offenses and offenders not to be affected by said ordinance.

such offense by said ordinance; and no amercement, fine, penalty, forfeiture, escheat, bond, or recognizance, accruing or enuring, in whole or in part, to the State of Alabama, whether in action or in judgment, is affected by said ordinance.

No bond, bill or coin, to be affected by said ordinance.

SEC. 4. No bond issued by authority of the laws of this State, or bills or coin lawfully used as money in this State, and no bond, obligation, debt or duty, due or owing to this State, or enuring, in whole or in part, to this State, before or since the adoption of said ordinance, is affected thereby.

No process or proceeding to be affected.

SEC. 5. No process or proceeding of any Court of this State, is affected by said Ordinance of Secession.

No right, title, &c., to be affected.

SEC. 6. No right, title, franchise, easement, license or privilege given, granted or conferred to, or upon any person or body corporate, under and by authority of the laws of this State, and no right of possession or property, action or prosecution, title, claim, contract, agreement, obligation, debt or duty, of any person or body corporate, is affected by said Ordinance of Secession, unless the same is inconsistent with said ordinance, or is affected by some other ordinance of this Convention.

No acquired or vested right to be affected.

SEC. 7. No rights acquired, or vested in any body corporate under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any law of this State, and not incompatible with said Ordinance of Secession, is affected by said ordinance.

CHAPTER III.

RELATING TO THE CHANGES IN THE CONSTITUTION OF ALABAMA.

SEC. 1. *Be it ordained by the people of the State of*

Alabama in Convention assembled, That no change made in the Constitution of the State of Alabama, by this Convention, shall have the effect to divest any right, title, or legal trust existing at the time of making such change. But all such changes shall have a prospective and not a retrospective effect, unless otherwise declared in the change itself.

SEC. 2. *Be it ordained by the people of Alabama in Convention assembled*, That, an ordinance adopted by the people of this State, in Convention, at Huntsville, on the second day of August, one thousand eight hundred and nineteen, disclaiming forever all right to the waste or unappropriated lands lying within this State, is hereby repealed; but the navigable waters of this State shall remain forever free to the citizens of this State, and of such States as may unite with the State of Alabama, in a Southern slaveholding Confederacy. But no right heretofore obtained, by any person or corporation, to erect a bridge, or bridges, across the navigable waters of this State, shall be affected by this ordinance; *Provided*, That the navigation of such rivers be not obstructed thereby.

Mode of amending or revising the Constitution.

The General Assembly whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution, which proposed amendments, shall be duly published in print, at least three months before the next general election of Representatives, for the consideration of

the people, and it shall be the duty of the several returning officers, at the next general election which shall be held for Representatives, to open a poll for, and make a return to the Secretary of State, for the time being, of the names of all those voting for Representatives, who have voted on such proposed amendments, and if, thereupon, it shall appear that a majority of all the citizens of this State, voting for Representatives, have voted in favor of such proposed amendments, and two-thirds of each House of the next General Assembly, shall, after such an election, and before another, ratify the same amendments by *yeas* and *nays*, they shall be valid, to all intents and purposes, as parts of this Constitution; *Provided*, That the said proposed amendments shall, at each of the said sessions, have been read three times, on three several days, in each House; *Provided further*, That a Convention of the people of the State may be called by a vote of two-thirds of each branch of the General Assembly, under such rules and regulations as the Legislature may prescribe, to amend the Constitution or for any other purpose.

Adopted by the people of Alabama, by the unanimous vote of their delegates in Convention assembled, at the Capitol, in the city of Montgomery, on this the twentieth day of March, in the year of our Lord, one thousand eight hundred and sixty-one, and of the Confederate States of America the first year.

WILLIAM M. BROOKS,

President of the Convention of the people of the State of Alabama.

Attest—A. G. HORN,

Secretary of Convention.

CONSTITUTION

FOR THE

PROVISIONAL GOVERNMENT

OF THE

CONFEDERATE STATES OF AMERICA.

We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inaguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichsoever shall first occur.

ARTICLE I.

SECTION I.

All legislative powers herein delegated shall be vested in this Congress now assembled, until otherwise ordained.

SECTION II.

When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

SECTION III.

1. The Congress shall be the judge of the elections, returns and qualifications of its members: any number of Deputies from a majority of the States being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its Deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

SECTION IV.

The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

SECTION V.

1. Every bill which shall have passed the Congress, shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections, to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

3. Until the inauguration of the President, all bills, orders, resolutions and votes adopted by the Congress shall be of full force without approval by him.

SECTION VI.

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy. And this Congress shall also exercise executive powers, until the President is inaugurated:

2. To borrow money on the credit of the Confederacy:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers,

and the authority of training the militia according to the discipline prescribed by Congress: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

SECTION VII.

1. The importation of African negroes from any foreign country other than the slaveholding States of the United States, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder, or ex post facto law shall be passed.

5. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the treasury unless it be asked for by the President or some one of the heads of Departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it shall, without the consent of the Congress,

accept of any present, emolument, office, or title of any kind, whatever, from any king, prince, or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb: nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed

of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

15. In suits at common law, where the value in controversy, shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the Confederacy than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

SECTION VIII.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederacy, and all

such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The Executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year, or until this Provisional Government shall be superseded by a Permanent Government, whichsoever shall first occur.

2. The President and Vice President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

3. No person except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress,) the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

5. The President shall at stated times receive for his

services, during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive, during that period, any other emolument from this Confederacy, or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

SECTION II.

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the Militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprives and pardons for offences against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties, provided two-thirds of the Congress concur: and he shall nominate, and by and with the advice and consent of the Congress shall appoint ambassadors, other public ministers and consuls, Judges of the Court, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress,

by granting commissions which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

ARTICLE III.

SECTION I.

1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior Courts as are herein directed, or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a district in which there shall be a court called a District Court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the District and Circuit Courts of the United States for that State; the Judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the Judges of the District and Circuit Courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken

directly from the District Courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States or under such other regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the District Judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the Courts of the United States to the Courts of the Confederacy, and for the execution of the orders, decrees and judgments heretofore rendered by the said Courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments or decrees, their heirs, personal representatives or assignees.

SECTION II.

1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maratime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more states; between citizens of different States; between citizens of the same State, claiming lands under grants of different States.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law

and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect of such proof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found

in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found; and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party by the State in which such abduction or rescue shall take place.

SECTION III.

1. The Confederacy shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

ARTICLE VI.

1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State, shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late Confederates

of the United States, in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that Union, upon the principles of right, justice, equity and good faith.

4. Until otherwise provided by the Congress, the City of Montgomery, in the State of Alabama, shall be the seat of Government.

4. The members of the Congress, and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

5. The Congress shall have power to admit other States.

CONSTITUTION

OF THE

CONFEDERATE STATES OF AMERICA.

We, the people of the Confederate States, each State acting in it sovereign and independent character, in order to form a permanent federal Government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution of the Confederate States of America.

ARTICLE I.

SECTION I.

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifica-

tions requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or federal.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective numbers —which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall, by law, direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have, at least, one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six, the State of Georgia ten, the State of Alabama nine, the State of Florida two, the State of Mississippi seven, the State of Louisiana six, and the State of Texas six.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment; except that any judicial or other federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

SECTION III.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice President of the Confederate States shall be President of the Senate; but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend

further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION IV.

1. The times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The Senator and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measure appertaining to his department.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed both Houses, shall, before it become a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that

House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises, for revenue necessary to pay the debts, provide for the

common defence, and to carry on the Government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States;

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce, except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors, and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessery to pay the costs and expenses thereof:

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies throughout the confederated States; but no law of Congress shall discharge any debt contracted before the passage of the same:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors,

the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the

Government of the Confederate States, or in any department or officer thereof.

SECTION IX.

1. The importation of negroes of the African race, from any foreign country, other than the slaveholding States, or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to this Confederacy.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion, or invasion, the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves, shall be passed.

5. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of department, and submitted

to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify, in federal currency, the exact amount of each appropriation, and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or

indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy, shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the Confederacy than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury; nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice President shall be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of

trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the Confederate States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no such person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors ap-

pointed; and, if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally inelligible to the office of President shall be eligible to that of Vice President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

7. No person except a natural born citizen of the Confederate States, or a citizen thereof, at the time of the adoption of this Constitution, or a citizen thereof, born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President: neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or of any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemely swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect and defend the constitution thereof."

SECTION II.

1. The President shall be Commander-in-Chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, and upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, mis-

conduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

SECTION III.

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such a time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

SECTION IV.

1. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their servi-

ces a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State where the State is plaintiff; between citizens claiming lands under grants of different States, and between a State and the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave, or other person held to service or labor in any State or Territory of the Confederate States under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

SECTION III.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Represen-

tatives, and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress, and by the Territorial Government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or of the Executive, when the Legislature is not in session, against domestic violence.

ARTICLE V.

1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States, to take into consideration such amendments to the Constitution as

the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Convention—voting by States—and the same be ratified by the Legislatures of two-thirds of the several States, or by Convention in two-thirds thereof—as one or the other mode of ratification may be proposed by the general Convention—they shall thence forward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ARTICLE VI.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States, under this Constitution as under the Provisional Government.

3. This Constitution and the laws of the Confederate States, made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State Legislatures and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no

religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

6. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

ARTICLE VII.

1. The ratification of the Convention of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution in the manner above specified, the Congress, under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice President; and, for the meeting of the Electoral College; and for counting the votes and inaugurating the President. They shall also prescribe the time for holding the first election of Members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them—not extending beyond the time limited by the Constitution of the Provisional Government.

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